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No. 7] NEW DELHI, FEBRUARY 10—FEBRUARY 16, 2008, SATURDAY/MAGHA 21—MAGHA 27, 1929

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)
(केन्द्रीय प्रत्यक्ष कर बोर्ड)
नई दिल्ली, 4 फरवरी, 2008

का.आ. 271.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 1-4-2007 से संगठन इंडियन इंस्टीट्यूट ऑफ टेक्नालॉजी, कानपुर को निम्नलिखित शर्तों के अधीन आंशिक रूप से संलग्न 'विश्वविद्यालय' की श्रेणी में अनुमोदित किया गया है, अर्थात् :—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
 - (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
 - (iii) अनुमोदित संगठन बही-खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
 - (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।
2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :—
- (क) पैराग्राफ 1 के उप-पैरा-ग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
 - (ख) पैराग्राफ 1 के उप-पैरा-ग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा

- (ग) पैराग्राफ 1 के उप-पैरा-ग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 18/2008/फा. सं. 203/55/2006-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)
(Central Board of Direct Taxes)
New Delhi, the 4th February, 2008

S.O. 271.—It is hereby notified for general information that the organization Indian Institute of Technology, Kanpur has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'University', partly engaged in research activities subject to the following conditions, namely:—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 18/2008/F. No. 203/55/2006-ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 4 फरवरी, 2008

का. आ. 272.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 1-4-2006 से सेमी कंडक्टर लेबोरेटरी, मोहाली को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात्:—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित पृथक लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उपपैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5 ग और 5 ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 16/2008/फा. सं. 203/68/2007-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 4th February, 2008

S.O. 272.—It is hereby notified for general information that the organization Semi conductor Laboratory, Mohali has been approved by the Central Government for the purpose of clause (ii) of sub-Section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from I-4-2006 in the category of 'other Institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :-

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (ii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 16/2008/F. No. 203/68/2007-ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 4 फरवरी, 2008

का. आ. 273.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5 ग और 5 ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ 1-4-2007 से संगठन सेंट जेवियर्स कालेज कोलकाता एजुकेशनल ट्रस्ट, कोलकाता को निम्नलिखित शर्तों के अधीन आंशिक रूप से संलग्न 'महाविद्यालय' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन बही खाता रखेगा तथा उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय

विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :-

- (क) पैराग्राफ 1 के उप-पैरा-ग्राफ (iii) में उल्लिखित लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैरा-ग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैरा-ग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5 ग और 5 ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

3. उपर्युक्त अनुमोदन इस शर्त के अध्याधीन दिया जा रहा है कि आवेदक संगठन वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, भारत सरकार से 30-9-2008 तक अनुमोदन प्राप्त करेगा। यदि उस तिथि तक अनुमोदन नहीं प्राप्त किया जाएगा, यह अनुमोदन उस तिथि तक प्रभावी नहीं होगा जब तक ऐसा अनुमोदन प्राप्त नहीं कर लिया जाएगा।

[अधिसूचना सं. 17/2008/फा. सं. 203/28/2007-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 4th February, 2008

S.O. 273.—It is hereby notified for general information that the organization St. Xavier's College Kolkata Educational Trust, Kolkata, has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2007 in the category of 'College', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-Section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

3. The above approval is being given subject to the condition that the applicant organisation will obtain the approval from the Department of Scientific and Industrial Research, Government of India, by 30-9-2008. If the said approval is not obtained by that date, this approval will no more be in force till the date such approval is obtained.

[Notification No. 17/2008/F. No. 203/28/2007-ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 6 फरवरी, 2008

का. आ. 274.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2006 से संगठन इंटरनेशनल इंस्टीट्यूट आफ बायोटेक्नोलॉजी एंड टॉक्सिकोलॉजी, पडप्पाई, तमिलनाडु को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगी 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, नामतः—

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से अपनी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित विवरण की प्रति प्रस्तुत करेगा।

2. केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि अनुमोदित संगठन :—

- (क) पैराग्राफ 1 के उप-पैरा-ग्राफ (iii) में उल्लिखित पृथक लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैरा-ग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैरा-ग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त एवं प्रयुक्त दान का अपना विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 22/2008/फा. सं. 203/55/2007-आ.क.नि.-II]

सुरेन्द्र पाल, अवर सचिव

New Delhi, the 6th February, 2008

S.O. 274.—It is hereby notified for general information that the organization International Institute of Biotechnology and Toxicology, Padappai, Tamil Nadu has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), with effect from 1-4-2006 in the category of 'Other Institution', partly engaged in research activities subject to the following conditions, namely :—

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :—

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or

- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 22/2008/F. No. 203/55/2007/ITA-II]

SURENDER PAL, Under Secy.

नई दिल्ली, 5 फरवरी, 2008

का. आ. 275.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड, के मुख्यालय एवं निम्नलिखित प्रमण्डलों को, जिन्होंने 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :-

1. केन्द्रीय उत्पाद शुल्क एवं सेवा कर (मुख्यालय), रांची
2. केन्द्रीय उत्पाद शुल्क एवं सेवा कर प्रमण्डल, रांची
3. केन्द्रीय उत्पाद शुल्क एवं सेवा कर प्रमण्डल, धनबाद
4. केन्द्रीय उत्पाद शुल्क एवं सेवा कर प्रमण्डल, बोकारो
5. केन्द्रीय उत्पाद शुल्क एवं सेवा कर प्रमण्डल, हजारीबाग

[फा. सं. 11012/1/2008-हिन्दी-2]

डा. जोगेन्द्र सिंह, उप-निदेशक (रा.भा.)

New Delhi, the 5th February, 2008

S.O. 275.—In pursuance of sub rule (4) of rule 10 of the Official Language (use for official purpose of the union) Rules 1976 the Central Govt. hereby notifies the following offices under the Central Board of Excise & Customs, Deptt. of Revenue, the 80% staff of where of have acquired the working knowledge of Hindi :

1. Central Excise & Service tax, (Hqr.) Ranchi.
2. Central Excise & Service tax, Division, Ranchi.
3. Central Excise & Service tax, Division, Dhanbad.
4. Central Excise & Service tax, Division, Bokaro.
5. Central Excise & Service tax, Division, Hazaribagh.

[F. No. 11012/1/2008/Hindi-2]

Dr. JOGENDER SINGH, Dy. Director (OL)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 1 फरवरी, 2008

का.आ. 276.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा घोषणा करती है कि उपरोक्त अधिनियम की धारा 31 के उपबंध, प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 2) की धारा 3 की उपधारा (1) के अंतर्गत स्थापित किए गए क्षेत्रीय ग्रामीण बैंकों पर उस सीमा तक लागू नहीं होंगे, जहां तक उनका संबंध 31 मार्च, 2008 को समाप्त होने वाले वर्ष के लिए उनके तुलन-पत्रों और लाभ हानि विवरण तथा उन पर लेखापरीक्षक की रिपोर्ट के प्रकाशन से संबंधित अपेक्षा से है। तथापि प्रत्येक क्षेत्रीय ग्रामीण बैंक को अपनी सभी शाखाओं में तुलन पत्र और लाभ एवं हानि के लेखों का संक्षिप्त रूप, जैसा भारतीय रिजर्व बैंक द्वारा निर्धारित किया जाए, को प्रदर्शित करना अनिवार्य है।

[फा. सं. 8 (6)/87-आरआरबी]

एम. साहु, अवर सचिव

(Department of Financial Services)

New Delhi, the 1st February, 2008

S.O. 276.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provisions of Section 31 of the said Act shall not apply, to the Regional Rural Banks established under sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (2 of 1976) insofar as the said Section requires the publication of their balance sheets and profit and loss accounts together with the auditor's report thereon for the year ending March 31, 2008. It is, however, mandatory for every RRB to display its Balance Sheet and Profit & Loss Account in all its branches in an abridged form as may be prescribed by the Reserve Bank of India.

[F. No. 8(6)/87-RRB]

M. SAHU, Under Secy.

नई दिल्ली, 1 फरवरी, 2008

का.आ. 277.—जबकि, प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) (इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने पंजाब राज्य में, दिनांक 30-03-1983 की 260(अ), दिनांक 28-03-1983 की 242(अ) और दिनांक 30-03-1983 की 237(अ) अधिसूचनाओं के द्वारा क्रमशः गुरुदासपुर-अमृतसर क्षेत्रीय ग्रामीण विकास बैंक, कपूरथला फिरोजपुर क्षेत्रीय ग्रामीण बैंक और शिवालिक क्षेत्रीय ग्रामीण बैंक के नामों से क्षेत्रीय ग्रामीण बैंकों का गठन किया।

जबकि, उक्त अधिनियम की धारा 23 क की उपधारा (1) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने पंजाब राज्य के गुरुदासपुर-अमृतसर क्षेत्रीय ग्रामीण विकास बैंक, कपूरथला फिरोजपुर क्षेत्रीय ग्रामीण बैंक और शिवालिक क्षेत्रीय ग्रामीण बैंक को, भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 12 सितम्बर, 2005 की अधिसूचना संख्या के का.आ. 1265(अ) के अंतर्गत, समामेलित कर एकल क्षेत्रीय ग्रामीण बैंक अर्थात् पंजाब ग्रामीण बैंक बना दिया है।

और जबकि, केन्द्र सरकार पंजाब ग्रामीण बैंक के परिचालन क्षेत्र का पंजाब राज्य के तरनतारन और एसएस नगर (मोहाली) जिले तक विस्तार को विनिर्दिष्ट करना चाहती है।

अतः अब, उक्त अधिनियम की धारा 3 के साथ पठित, धारा 23क के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 12 सितम्बर, 2005 की अधिसूचना सं. का.आ. 1265(अ) में निम्नलिखित संशोधन करती है, नामतः—

उपर्युक्त अधिसूचना में अनुच्छेद 8 में, “गुरुदासपुर, अमृतसर और जालंधर” शब्दों के स्थान पर “गुरुदासपुर, अमृतसर, जालंधर, तरनतारन और एसएस नगर (मोहाली)” शब्द प्रतिस्थापित किए जाएंगे।

[फा. सं. 7/5/2006-आरआरबी]

एम. साहु, अवर सचिव

टिप्पणी : मूल अधिसूचना दिनांक 12 सितम्बर, 2005 को भारत के राजपत्र, असाधारण के भाग-II, खंड 3, उपखंड (ii) में सं. का.आ. 1265(अ) के तहत प्रकाशित की गयी थी और तत्पश्चात् 17 अप्रैल, 2007 को प्रकाशित का.आ. 1150 के तहत संशोधित की गयी।

New Delhi, the 1st February, 2008

S.O. 277.—Whereas in exercise of the powers conferred by Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), (hereinafter referred as the said Act), the Central Government constituted the Regional Rural Banks in the State of Punjab under names of Gurdaspur-Amritsar Kshetriya Gramin Vikas Bank, Kapurthala Ferozpur Kshetriya Gramin Bank and Shivalik Kshetriya Gramin Bank vide notifications 260(E) dated 30-03-1983, 242 dated 28-03-1983 and 237(E) dated 30-03-1983, respectively.

Whereas, in exercise of powers conferred under Sub-section (1) of Section 23A of the said Act, the Central Government provided for the amalgamation of the Gurdaspur-Amritsar Kshetriya Gramin Vikas Bank, Kapurthala Ferozpur Kshetriya Gramin Bank and Shivalik Kshetriya Gramin Bank in the State of Punjab into a single Regional Rural Bank i.e. Punjab Gramin Bank, vide notification of the Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division), number, S.O. 1265(E), dated the 12th September, 2005.

And whereas, the Central Government intends to specify the extension of area of operation of the Punjab Gramin Bank to Taran Taran and SAS Nagar (Mohali) Districts in the State of Punjab.

Now therefore, in exercise of powers conferred under Section 23A, read with Section 3 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India, Ministry of Finance, Department of Economic Affairs (Banking Division), number S.O. 1265(E), dated 12th September, 2005, namely :—

In the said notification, in Paragraph 8, for the words “Gurdaspur, Amritsar and Jalandhar”, the words and brackets “Gurdaspur, Amritsar, Jalandhar, Taran Taran and SAS Nagar (Mohali)”, shall be substituted.

[F. No. 7/5/2006-RRB]

M. SAHU, Under Secy.

Footnote : The principal notification was published, vide number, S.O. 1265(E), dated the 12th September, 2005, in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii) and subsequently amended, vide S.O. 1150, dated 17th April, 2007.

नई दिल्ली, 31 जनवरी, 2008

का.आ. 278.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम 1970/1980 के खंड 3 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 (ज) एवं (3-क) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्रीमति सारिया खान को इस अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, बैंक ऑफ़ बड़ौदा के निदेशक बोर्ड में अंशकालिक गैर-सरकारी निदेशक के पद पर नामित करती है।

[फा. सं. 9/4/2006-बी ओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 31st January, 2008

S.O. 278.—In exercise of the powers conferred by of Sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with Sub-clause 3 of the National Banks (Management & Miscellaneous Provisions) Scheme 1970/1980, the Central Government hereby nominates Mrs. Saria Khan, as part-time non-official Director on the Board of Directors of Indian Bank for a period of three years from the date of notification or until further orders, whichever is earlier.

[F. No. 9/4/2006-BO.-1]

G.B. SINGH, Dy. Secy.

नई दिल्ली, 8 फरवरी, 2008

का.आ. 279.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और, भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग के 26 जुलाई, 1989 के का.आ. सं. 13 का अतिक्रमण करते हुए, ऐसे अतिक्रमण से पहले किए गए कार्यों और करने के लिए छोड़े गए कार्यों को छोड़कर तथा 20 जनवरी, 1997 की अधिसूचना सं. 15/11/96-बीओए के अनुक्रम में, केन्द्रीय सरकार, एतद्द्वारा, निम्नलिखित सारणी के कालम (1) में उल्लिखित अधिकारी को नियुक्त करती है जो सरकार के राजपत्रित अधिकारी के स्तर के समकक्ष अधिकारी हों और उक्त अधिनियम के प्रबोजन के लिए सम्पदा अधिकारी (एस्टेट ऑफिसर) होंगे। ये अधिकारी उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे तथा उक्त अधिनियम के अधीन उक्त सारणी के कालम (2) में उल्लिखित सरकारी स्थानों के संबंध में सम्पदा अधिकारियों को सौंपे गए कार्यों को पूरा करेंगे :

सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां तथा क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
मुख्य महाप्रबंधक/महाप्रबंधक, भारतीय रिजर्व बैंक, लखनऊ	भारतीय रिजर्व बैंक का अथवा उसके द्वारा या उसकी ओर से लखनऊ में पढ़ते पर लिया गया अवस्थित स्थान

[फा. सं. 65(1)/2007-बी ओ-11]

एस. गोपाल कृष्ण, अवर सचिव

New Delhi, the 8th February, 2008

S.O. 279.—In exercise of the powers conferred by Section 3 of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Notification of the Government of India in the Ministry of Finance, Department of Economic Affairs S.O. No. 13 dated 26th July, 1989 except in respect of things done or omitted to be done before such supersession, and in continuation of the Notification No. 15/11/96-BOA dated 20th January, 1997, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of a Gazetted Officer of Government to be Estate Officers for the purpose of said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act in respect of the public premises specified in column (2) of the said table.

TABLE

Designation of the Officer	Categories of Public premises and local limits of jurisdiction
(1)	(2)
The Chief General Manager/General Manager Reserve Bank of India, Lucknow.	Premises belonging to, or taken on lease by, or on behalf of, the Reserve Bank of India, in Lucknow.

[F. No. 65(1)/2007-BO.-11]

S. GOPAL KRISHNA, Under Secy.

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 14 जनवरी, 2008

का.आ. 280.—सार्वजनिक स्थान (अप्राधिकृत कब्जा हटाने) अधिनियम, 1971 के खण्ड 3 (1971 का 40) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत के राजपत्र के भाग-II, खण्ड 3, उपखण्ड (ii) में दिनांक 15 अक्टूबर, 1988 को प्रकाशित दिनांक 19 सितम्बर, 1988 की अधिसूचना संख्या का.आ. 3078 को संशोधित करते हुए केन्द्रीय सरकार, नौवें तालिका के कॉलम (1) में उल्लिखित अधिकारी को, सरकार के राजपत्रित श्रेणी के अधिकारी के समक्ष अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी रूप में नियुक्त करती है। वे उक्त तालिका के कॉलम (2) में विनिर्दिष्ट सार्वजनिक स्थान के बारे में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत उक्त अधिनियम द्वारा उसके अंतर्गत सम्पदा अधिकारी को दी गई शक्तियों का प्रयोग करेंगे तथा अपने कर्तव्यों का निर्वहन करेंगे।

सारणी

अधिकारी का नाम	सार्वजनिक स्थान की श्रेणी तथा क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
रजिस्ट्रार, भारतीय प्रौद्योगिकी संस्थान, खड़गपुर	भारतीय प्रौद्योगिकी संस्थान, खड़गपुर से संबंधित अथवा पट्टे पर ली गई अथवा उसके द्वारा या उसकी ओर से मांगी गई भूमि, जो पश्चिम बंगाल के पश्चिमी मिदनापुर जिला व कोलकाता तथा उड़ीसा के भुवनेश्वर में उसके प्रशासनिक नियंत्रण में आती है।

[फा. सं. 4-32/2005-टी. एस-1]

यतेन्द्र कुमार, अवर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

New Delhi, the 14th January, 2008

S.O. 280.—In exercise of the powers conferred by Section 3 of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the Notification number S.O. 3078 dated the 19th September, 1988, published in Gazette of India, Part II, Section 3 sub-section (ii) dated the 15th October, 1988, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being the officer equivalent to the rank of a Gazetted Officer of Government to be Estate Officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of Public premises and local limits of jurisdiction
(1)	(2)
Registrar, Indian Institute of Technology, Kharagpur.	Premises belonging to, or taken on lease or requisitioned by or on behalf of the Indian Institute of Technology, Kharagpur which are under its administrative control in District Paschim Medinipur and Kolkata in the State of West Bengal and in Bhubaneswar in the State of Orissa.

[F. No. 4-32/2005-TS.-I]

YATENDRA KUMAR, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 9 जनवरी, 2008

का.आ. 281.—इस मंत्रालय की दिनांक 13 सितम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में श्री गुरप्रीत सिंह, 2ए/5 रमेश नगर, नई दिल्ली-110015 को नियुक्त करती है।

[फा. सं. 809/7/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th January, 2008

S.O. 281.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Gurpreet Singh, 2A/5, Ramesh Nagar, New Delhi-110015 as a member of the Delhi advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/7/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 9 जनवरी, 2008

का.आ. 282.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में डॉ. ए. सुधाकर यादव, निवासी म.न. 1-2-215/ए, फ्लैट 34, गगन विहार अपार्टमेंट, डोमलगुडा, हैदराबाद को नियुक्त करती है।

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 9th January, 2008

S.O. 282.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Dr. A. Sudhaker Yadav, R/o H. No. 1-2-215/A, Flat 34, Gagan Vjihar Apts, Domalguda, Hyderabad as a member of

the Hyderabad advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 9 जनवरी, 2008

का.आ. 283.—इस मंत्रालय की दिनांक 29-3-2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हों, केन्द्रीय फिल्म प्रमाणन बोर्ड के चेन्नई सलाहकार पैनल के सदस्य के रूप में सुश्री सी. जयंती एम.सी.सं. 308 एच. टी. एन. एच.बी. जोथि नगर पोस्ट, अराकोनम-631003 को नियुक्त करती है।

[फा. सं. 809/2/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 9th January, 2008

S.O. 283.—In continuation of this Ministry's Notification of even number dated 29-3-2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Ms. C. Jayanthi. M. C., No. 308 H, T.N.H.B, Jothi Nagar Post, Arakkonam-631003 as a member of the Chennai advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/2/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 9 जनवरी, 2008

का.आ. 284.—इस मंत्रालय की दिनांक 06-8-2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के मुंबई सलाहकार पैनल के सदस्यों के रूप में निम्नलिखित व्यक्तियों को नियुक्त करती है।

1. श्री भीखुभा टी. जाला, 4/41, पूजा अपार्टमेंट, हिमंतलाल पार्क, आजाद सोसायटी, अहमदाबाद।
2. श्री जयकिशोर चतुर्वेदी, बृज लक्ष्मी, 204 स्टारलिंग सेंटर, अलकापुरी, बड़ौदा।
3. सुश्री फरीदाबेन भीखुभाई मीर, सिल्वर एवेन्यू, कलावड रोड, शेरी नं. 5, नजदीक परिमल स्कूल, राजकोट।

[फा. सं. 809/4/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 9th January, 2008

S.O. 284.—In continuation of this Ministry's Notification of even number dated 6th August, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as Members of the Mumbai Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :

- (i) Shri Bhikhubha T. Zala, 4/41, Pooja Apartment, Himantlal Park, Azad Society, Ahmedabad.
- (ii) Shri Jaykishor Chaturvedi, 'Brij Laxmi', 204, St arling Centre, Alkapuri, Baroda.
- (iii) Ms. Faridaben Bhikhubhai Mir, 'Silver Avenue', Kalawad Road, Sheri No. 5, Nr. Parimal School, Rajkot.

[F. No. 809/4/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 9 जनवरी, 2008

का.आ. 285.—इस मंत्रालय की दिनांक 13 सितम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में श्री मोहम्मद शाहिद, 313/75-बी, आनंद नगर, इन्द्रलोक, नई दिल्ली -110035 को नियुक्त करती है।

[फा. सं. 809/7/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 9th January, 2008

S. O. 285.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Mohd. Shahid, 313/75B, Anand Nagar, Inderlok, New Delhi-110035 as a Member of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/7/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 11 जनवरी, 2008

का.आ. 286.— इस मंत्रालय की दिनांक 8-1-2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन)

नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के कोलकाता सलाहकार पैनल के सदस्य के रूप में श्री महावीर प्रसाद लखोटिया, 23-(ए), नेताजी सुभाष रोड, आर. सं. 6, तीसरा तल, कोलकाता-1 को नियुक्त करती है।

[फा. सं. 809/1/2006-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 11th January, 2008

S. O. 286.—In continuation of this Ministry's Notification of even number dated 8-1-2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Mahavir Prasad Lakhotia, 23A, Netaji Subhash Road, R.No. 6, 3rd Floor, Kolkata-1 as a Member of the Kolkata Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/1/2006-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 11 जनवरी, 2008

का.आ. 287.—इस मंत्रालय की दिनांक 13 सितम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केंद्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्यों के रूप में निम्नलिखित व्यक्तियों को नियुक्त करती है :—

1. श्री जावेद उरफी, 3/4 शौकत अली रोड, इलाहाबाद-3।
2. श्रीमती मीरा गोयल, ए-38, प्रथम तल, मोहन को-ऑपरेटिव इंडस्ट्रीयल एस्टेट, मुख्य मथुरा रोड, नई दिल्ली -44।
3. श्री तारिक राजा खान, 26 राजेन्द्र प्रसाद रोड, नई दिल्ली -1

[फा. सं. 809/7/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 11th January, 2008

S. O. 287.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as Members of the Delhi Advisory Panel of the Central Board of Film Certification with

immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri Jawaid Urfi, 3/4 Shaukat Ali Road, Allahabad-3.
2. Smt. Meera Goyal, A-38, First Floor, Mohan Cooperative Industrial Estate, Main Mathura Road, New Delhi-44.
3. Shri Tariq Raja Khan, 26, Rajendra Prasad Road, New Delhi-1.

[F. No. 809/7/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 11 जनवरी, 2008

का.आ. 288.—इस मंत्रालय की दिनांक 8-1-2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के कटक सलाहकार पैनल के सदस्य के रूप में श्री राजकुमार यादव, ई. एम. /102/बसंती नगर, राउरकेला-769012, सुंदरगढ़, उड़ीसा को नियुक्त करती है।

[फा. सं. 809/2/2006-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 11th January, 2008

S. O. 288.—In continuation of this Ministry's Notification of even number dated 8-1-2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Rajkumar Yadav, EM/102, Basanti Nagar, Rourkela-769012, Sundergarh, Orissa as a Member of the Cuttack Advisory Panel of the Central Board of Film Certification with immediate effect for period of two years or until further orders, whichever is earlier.

[F. No. 809/2/2006-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 11 जनवरी, 2008

का.आ. 289.—इस मंत्रालय की दिनांक 31 मई, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद सलाहकार पैनल के सदस्य के रूप में निम्नलिखित व्यक्तियों को नियुक्त करती है :—

1. श्री मांडवा दामोदरा राव, सं. 18-12-10, तीसरी लेन, केदारेश्वरपेटा, विजयवाड़ा-13।

2. श्री वड्डीपल्ली साम्राज्यम सं. 77-78-16, वड्डीपल्ली स्ट्रीट, राधानगर, पायकापुरम, विजयवाड़ा -15

[फा. सं. 809/1/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 11th January, 2008

S. O. 289.—In continuation of this Ministry's Notification of even number dated 31st May, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint the following persons as Members of the Hyderabad Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :—

- (1) Shri Mandava Damodara Rao, No. 18-12-10, 3rd Lane, Kedareswarapeta, Vijayawada-13.
- (2) Smt. Vaddipalli Samrajyam, No. 77-78-16, Vaddipalli Street, Radhanagar, Payakapuram, Vijayawada-15.

[F. No. 809/1/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 16 जनवरी, 2008

का.आ. 290.— इस मंत्रालय की दिनांक 13 दिसम्बर, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा-(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के दिल्ली सलाहकार पैनल के सदस्य के रूप में श्री शरद मिश्रा, ई (1)-200, डिफेन्स कालोनी, जजमाऊ, कानपुर -10(उ. प्र.) को नियुक्त करती है।

[फा. सं. 809/7/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 16th January, 2008

S. O. 290.—In continuation of this Ministry's Notification of even number dated 13th September, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri Sharad Mishra, E(1)-200, Defence Colony, Jajmau, Kanpur-10(UP) as a Member of the Delhi Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F. No. 809/7/2007-F(C)]

SANGEETA SINGH, Director (Films)

नई दिल्ली, 16 जनवरी, 2008

का.आ. 291.— इस मंत्रालय की दिनांक 6 अगस्त, 2007 की समसंख्यक अधिसूचना के अनुक्रम में और चलचित्र (प्रमाणन)

नियम, 1983 के नियम 7 और 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार तत्काल प्रभाव से दो वर्षों की अवधि के लिए या अगले आदेशों तक, जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के मुंबई सलाहकार पैनल के सदस्य के रूप में डा. प्रकाश अग्रवाल, डी-55, ग्लास शॉप के सामने, हरिशंकरपुरम, ग्वालियर (म. प्र.) को नियुक्त करती है।

[फा. सं. 809/4/2007-एफ (सी)]

संगीता सिंह, निदेशक (फिल्म)

New Delhi, the 16th January, 2008

S.O. 291—In continuation of this Ministry's Notification of even number dated 6th August, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Dr. Prakash Agarwal, D-55, Opp. Glass Shop, Harishankarpuram, Gwalior (MP) as a member of the Mumbai Advisory Panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier.

[F.No. 809/4/2007-F(C)]

SANGEETA SINGH, Director (Films)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 30 जनवरी, 2008

का. आ. 292.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 4026:2007 एल्यूमिनियम के इंगट, बिलेट एवं तार की छड़े (ई सी ग्रेड) (चौथा पुनरीक्षण)	आईएस 4026:1987 (तीसरा पुनरीक्षण)	30 नवम्बर 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 7/टी-39]

डॉ (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 30th January, 2008

S.O. 292.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
I	IS 4026:2007- Aluminium Ingots, Billets and Wire Bars (EC Grade) (Fourth Revision)	IS 4026:1987 (Third Revision)	30 November, 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 7/T-39]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 30 जनवरी, 2008

का. आ. 293.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
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(1)	(2)	(3)	(4)
1	आईएस 3502:1994 इस्पात की, चारखानेदार प्लेटें-विशिष्ट (दूसरा पुनरीक्षण)	संशोधन संख्या 3, जनवरी, 2008	16 जनवरी, 2008

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 4/टी -95]

डॉ (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 30th January, 2008

S.O. 293.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of India Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards amendment (s)	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 3502:1994 Steel chequered plates Specification (second revision)	Amendment No. 3, January, 2008	16th January, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 4/T-95]

Dr. (Mrs.) SNEH BHATLA, Scientist F & Head (Met. Engg.)

नई दिल्ली, 30 जनवरी, 2008

का. आ. 294.—भारतीय मानक ब्यूरो नियम, 1987 के नियम, 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1	आईएस 191: 2007 ताँबा-विशिष्ट (चौथा पुनरीक्षण)	आईएस 191(भाग 1 से 10 तक): 1980 (तीसरा पुनरीक्षण)	30 जून, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमटीडी 8/टी -2]

डॉ (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 30th January, 2008

S.O. 294.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 191: 2007- Copper- Specification (Fourth Revision)	IS 191: (Parts I to X): 1980 (Third Revision)	30th June 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur

Shah Zafar Marg, New Delhi-110002 and Regional Offices:
New Delhi, Kolkata Chandigarh, Chennai, Mumbai and
also Branch Offices : Ahmedabad, Bangalore, Bhopal,
Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur,
Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 8/T-2]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' &
Head (Met. Engg.)

नई दिल्ली, 30 जनवरी, 2008

का. आ. 295.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1	आईएस 15748 : 2007 वस्त्रादि-औद्योगिक मजदूरों के लिए गर्मी से बचाव के लिए सुरक्षा वस्त्र (आग बुझाने वालों और वेल्डरों के वस्त्रों को छोड़कर)	नहीं	दिसम्बर, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: टीएक्सडी/जी-25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

New Delhi, the 30th January, 2008

S. O. 295.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 15748 : 2007 Textiles—Protective Clothing for Industrial Workers Exposed to Heat (Excluding Fire-Fighters' and Welders' Clothing)	Nil	December, 2007

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

M.S. VERMA, Director & Head (Textiles)

नई दिल्ली, 31 जनवरी, 2008

का. आ. 296.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1	आई एस 60079-25 : विस्फोटो गैस पर्यावरणों के लिए बिजली के उपकरण भाग 25 निजतया निरापद पद्धति.	--	30 नवम्बर, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: ईटी-22/टी-56]

पी.के. मुखर्जी, वैज्ञ. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 31st January, 2008

S. O. 296.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS/IEC 60079-25: 2003 Electrical Apparatus for Explosive Gas Atmospheres Part 25 Intrinsically safe systems	—	30th Nov., 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET/22/T-56]

P. K. MUKHERJEE, Sc. 'F'. & Head (Electro-technical)

नई दिल्ली, 4 फरवरी, 2008

का. आ. 297.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 2824 : 2007 ठोस रोधन सामग्री का विधुतरोधन और तुलनात्मक ट्रेकिंग सूचकांक ज्ञात करने की पद्धति (दूसरा पुनरीक्षण)	—	30 नवम्बर, 2007

इस भारतीय मानक की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: ईटी-02/टी-13]

पी. के. मुखर्जी, वैज्ञ. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 4th February, 2008

S. O. 297.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies the Indian Standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS/2824 : 2007 Method for the determination of the proof and the comparative tracking indicates of solid insulating materials (second revision)	—	30th Nov., 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET/02/T-13]

P. K. MUKHERJEE, Sc. 'F'. & Head (Electro Technical)

नई दिल्ली, 4 फरवरी, 2008

का. आ. 298.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस /आईएसओ 8041 : 2005 कंपन के प्रति मानक प्रति-क्रिया-मापन उपकरण	आईएस 14377 : 1999/आईएस ओ 8041 : 1990 कंपन के प्रति मानक प्रति-क्रिया-मापन उपकरण	31 अक्टूबर 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमईडी/जी-2 : 1]

सी.के. वेदा, वैज्ञा. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 4th February, 2008

S. O. 298.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of India Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS/ISO 8041 : 2005 Human Response to vibration-measuring Instrumentation	IS 14737 : 1999/ ISO 8041 : 1990 Human Response to vibration-measuring Instrumentation	31 October 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2 : 1]

C. K. VEDA, Sc. 'F'. & Head (Mechanical Engineering)

नई दिल्ली, 4 फरवरी, 2008

का. आ. 299.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गए मानक(को) में संशोधन किया गया/किये गये हैं।

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1	आईएस 12933 (भाग 1): 2003 स्प्रिंग सपाट पट्टिका संग्राहक : विशिष्ट भाग 1 अपेक्षाएं (दूसरा पुनरीक्षण)	संशोधन नं. 2, अगस्त 2007	2 नवम्बर 2007

इस संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ: एमईडी/जी-2 : 1]

सी.के. वेदा, वैज्ञा. 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 4th February, 2008

S. O. 299.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1	IS 12933 (Pt-I): 2003 Solar Flat Plate Collector-Specification Part I Requirements (Second Revision)	Amendment No. 2 August 2007	2 November 2007

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MED/G-2: 1]

C. K. VEDA, Sc. 'F'. & Head (Mechanical Engineering)

नई दिल्ली, 4 फरवरी, 2008

का. आ. 300.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आईएस 651 : 2007 कॉचाम स्टोनवेयर पाइप और फिटिंग-विशिष्ट (छठा पुनरीक्षण)	आई एस 651 : 1992	01 मार्च 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं ।

[संदर्भ: सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

New Delhi, the 4th February, 2008

S. O. 300.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1	IS 651 : 2007 Glazed Stone-ware Pipes and Fittings-Specification (Sixth Revision)	IS 651 : 1992	1 March, 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: CED/Gazette]

A. K. SAINI, Sc. 'F' & Head (Civil Engg.)

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 11 फरवरी, 2008

का. आ. 301.—तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा (3) की उपधारा (3) द्वारा प्रदत्त की गई शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित अधिकारियों को तेल उद्योग विकास बोर्ड के सदस्य के रूप में, उनके सामने दर्शायी गई अवधि के लिए, या अगला आदेश जारी होने तक, जो भी पहले हो, नियुक्त करती है :-

	से	तक
1	श्री वी. एस. सम्पथ, 21-1-2008 सचिव, रसायन एवं पेट्रोसायन विभाग	20-1-2010
2	श्री आनंद कुमार, 11-1-2008 निदेशक (अनुसंधान एवं विकास), इंडियन ऑयल कार्पोरेशन लि.	10-1-2010

[सं. जी-35012/2/91-वित्त-II]

एस. सी. दास, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 11th February, 2008

S.O. 301.—In exercise of the powers conferred by sub-section (3) of Section 3 of the 'Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints the following officers as Members of the Oil Industry Development Board for the period shown against their names or until further orders, whichever is earlier :—

	From	To
1	Shri V.S. Sampath, 21-1-2008 Secretary, Deptt. of Chemicals & Petrochemicals	20-1-2010
2	Shri Anand Kumar, 11-1-2008 Director (R & D) Indian Oil Cor- poration Ltd.	10-1-2010

[No. G. 35012/2/91-Fin. II]

S. C. DAS, Under Secy.

नई दिल्ली, 12 फरवरी, 2008

का.आ. 302.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की

प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105, इन्द्रा विहार, तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेंगे।

अनुसूची

तहसील : बीना जिला : सागर राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल (हेक्टर में)
1	2	3	4
1.	आगासौद	532	0.1008
		533	0.1440
		535	0.0720
		536	0.0576
		539	0.0360
		707	0.0288
		763	0.1800
		778	0.0720
		776	0.1512
		777	0.03456
		1212	0.3312
		1213	0.0360
		1214	0.0864
		1215	0.1872
		1206	0.2664
		1206/1341	0.0216
		1185	0.0936
		1180	0.0144
		1181	0.0360
		1184	0.0936
		1177	0.0432
		1176	0.0576
		1175	0.2160
		1172	0.0100
		1162	0.0144
		1164	0.0900
		1194	0.0216
		1168	0.0432
		1165	0.0432
		1166	0.0020
		1140	0.0288
		1118	0.0180
		1117	0.0216
		1116	0.0324
		1115	0.0200

1	2	3	4	1	2	3	4
1.	आगासौद-(जारी)	1114	0.0160	2.	पुरैना-(जारी)	348	0.0504
		1111	0.0020			330/1	0.1100
		1120	0.0100			330/2	0.0800
		1112	0.0504			331	0.0420
		1113	0.0468			332	0.0040
		1105	0.0288			329	0.0504
		1104	0.0504			328	0.2520
		1103	0.0216			327	0.2088
		1068	0.2268			337	0.0020
		1069	0.0720			239	0.5472
	1070/2-4-5	0.1656				238	0.0144
	1070/3	0.0576				52	0.2304
	1070/1	0.0648				55	0.0050
	1053	0.1440				56	0.0050
	1081	0.0050				47	0.0576
	1079	0.0360				54	0.2664
	1052	0.0504				43/2	0.1584
	1050	0.1152				43/1	0.1440
	1045	0.1224				39/2	0.1224
	1046	0.2088				39/1	0.1296
	1042	0.0144				64/2	0.0432
	1036	0.2664				64/5	0.2232
	1037	0.1512				64/4	0.0936
	1035	0.0216				64/6	0.3024
2.	पुरैना	516/1	0.2376			65	0.2736
		516/4	0.0576	3.	बेसराकसोई	386	0.2684
		317/4	0.1440			385	0.1512
		515	0.0040			384	0.0200
		371/3	0.0936			389	0.0286
		514	0.0020			392	0.0200
		513	0.2664			391	0.2952
		512	0.0876			398	0.3168
		373	0.1296			399	0.2736
		360	0.0144			397	0.0720
		375	0.0504			499	0.0144
		377/1	0.2376			412	0.4320
		374	0.1080			413	0.3600
		377/3	0.0576			110/2	0.1440
		378/1	0.2000			110/1	0.1512
		379	0.1250			109	0.4104
		378/2	0.0020			108	0.0144
		356	0.0650	4.	बाधारूपा	17	0.0144
		355	0.2520			42/1	0.1080
		352	0.2376			43	0.2592
		351/2	0.0216			52	0.0432
		349/2	0.2088			44/1	0.0020

1	2	3	4
	बाघरूपा (जारी)	45	0.3384
		37	0.0144
		39	0.0040
		38/3	0.2160
		38/2	0.1296
		38/1	0.0648
		33	0.1152
		34/1	0.2304
		34/3	0.0936
5.	ढाना	16	0.1440
		17	0.0020
		15	0.3384
		13	0.0144
		12	0.1008
		11	0.0288
		10/3	0.1008
		10/4	0.0396
		10/9	0.0180
		10/7	0.1584
		10/5	0.1008
		10/6	0.0576
		8	0.1728

[फा. सं. आर.-31015/6/2008-ओ आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th February, 2008

S.O. 302.—Whereas it appears to the Central Government that it is necessary in public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh, Pipeline to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani, Competent Authority, Bina-Kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

Tehsil : Bina District : Sagar State : Madhya Pradesh			
Sl. No.	Name of Village	Survey No.	Area in Hectares
(1)	(2)	(3)	(4)
1.	Aagasaud	532	0.1008
		533	0.1440
		535	0.0720
		536	0.0576
		539	0.0360
		707	0.0288
		763	0.1800
		778	0.0720
		776	0.1512
		777	0.3456
		1212	0.3312
		1213	0.0360
		1214	0.0864
		1215	0.1872
		1206	0.2664
		1206/1341	0.0216
		1185	0.0936
		1180	0.0144
		1181	0.0360
		1184	0.0936
		1177	0.0432
		1176	0.0576
		1175	0.2160
		1172	0.0100
		1162	0.0144
		1164	0.0900
		1194	0.0216
		1168	0.0432
		1165	0.0432
		1166	0.0020
		1140	0.0288
		1118	0.0180
		1117	0.0216
		1116	0.0324
		1115	0.0200
		1114	0.0160
		1111	0.0020
		1120	0.0100
		1112	0.0504
		1113	0.0468
		1105	0.0288

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	Aagasaud—(contd.)	1104	0.0504		Puraina—(contd.)	337	0.0020
		1103	0.0216			239	0.5772
		1068	0.2268			238	0.0144
		1069	0.0720			52	0.2304
		1070/2-4-5	0.1656			55	0.0050
		1070/3	0.0576			56	0.0050
		1070/1	0.0648			47	0.0576
		1053	0.1440			54	0.2664
		1081	0.0050			43/2	0.1584
		1079	0.0360			43/1	0.1440
		1052	0.0504			39/2	0.1224
		1050	0.1152			39/1	0.1296
		1045	0.1224			64/2	0.0432
		1046	0.2088			64/5	0.2232
		1042	0.0144			64/4	0.0936
		1036	0.2664			64/6	0.3024
		1037	0.1512			65	0.2736
		1035	0.0216			386	0.2684
2.	Puraina	516/1	0.2376	3.	Besarakasoi	385	0.1512
		516/4	0.0576			384	0.0200
		317/4	0.1440			389	0.0286
		515	0.0040			392	0.0200
		371/3	0.0936			391	0.2952
		514	0.0020			398	0.3168
		513	0.2664			399	0.2736
		512	0.0876			397	0.0720
		373	0.1296			499	0.0144
		360	0.0144			412	0.4320
		375	0.0504			413	0.3600
		377/1	0.2376			110/2	0.1440
		374	0.1080			110/1	0.1512
		377/3	0.0576			109	0.4104
		378/1	0.2000			108	0.0144
		379	0.1250			17	0.0144
		378/2	0.0020	4.	Bagharupa	42/1	0.1080
		356	0.0650			43	0.2592
		355	0.2520			52	0.0432
		352	0.2376			44/1	0.0020
		351/2	0.0216			45	0.3384
		349/2	0.2088			37	0.0144
		348	0.0504			39	0.0040
		339/1	0.1100			38/3	0.2160
		330/2	0.0800			38/2	0.1296
		331	0.0420			38/1	0.0648
		332	0.0040			33	0.1152
		329	0.0504			34/1	0.2304
		328	0.2520			34/3	0.0936
		327	0.2088				

(1)	(2)	(3)	(4)	1	2	3	4
5	Dhhana	16	0.1440		महाराज खेड़ी—(जारी)	12/8	0.0390
		17	0.0020			12/7	0.0150
		15	0.3384			12/6	0.0100
		13	0.0144			12/5	0.0050
		12	0.1008			12/3	0.1400
		11	0.0288			12/2	0.0576
		10/3	0.1008			12/1	0.1170
		10/4	0.0396			11	0.0130
		10/9	0.0180			9/201	0.4212
		10/7	0.1584			9	0.0200
		10/5	0.1008	2	पिपरिया मल्हारगण	7	0.3445
		10/6	0.0576			8	0.2860
		8	0.1728			22	0.1950
						23	0.325
						44 मि.	0.3510
						44/1	
						45/1	0.2880
						45 मि.	
						43/3	0.0975
						40	0.1560
						39	0.3445
						38	0.0065
						27/2	0.0715
						37/1	0.1625
						30/4	0.0845
						33/1	0.1820
						32	0.2145
						31	0.0100
						129/2	0.0150
						130	0.0150
						188 मि.	0.1050
						188/2	0.0850
						195	0.2860
						196	0.2145
						197	0.1820
						204	0.2000
						208	0.1750
						207	0.0250
						210	0.0500
						209	0.1400
						212	0.0065
						211	0.0200
						238	0.0325
						236	0.0130
						239	0.0130

[F.No. R-31015/6/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 फरवरी, 2008

का.आ. 303.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवन्ती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105, इन्द्रा विहार तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : मुंगावली जिला : अशोक नगर राज्य : मध्य प्रदेश

क्र.सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल (हेक्टेर में)
1	2	3	4
1.	महाराज खेड़ी	100	0.1944
		12/4	0.0150

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	पिपरिमा मल्हारगण—(जारी)	240	0.3400		टांडा—(जारी)	29	0.3600
		241	0.3200			28	0.0325
		253	0.1820			25	0.0130
		252	0.0300	6.	नरखेड़ा	359/450	0.1105
		251	0.0150			356/449	0.0355
		248	0.0050			359/2	0.3100
		250	0.0650			359/1	0.3700
		249	0.0520			357	0.1170
		247	0.0020			343	0.0200
3.	किरमिचीखेड़ी	4	0.0030			354	0.2275
		5	0.3900			367	0.0200
		7/1	0.2600			373	0.0200
		7/4	0.0780			380	0.0200
		7/2	0.1235			375	0.1820
		6	0.0715			376	0.0520
		11	0.0390			371	0.0200
4.	मढावरी	1	0.0130			390/2	0.4875
		40/1	0.3055			377	0.1625
		40/2 मि.	0.3510			338	0.0200
		12	0.0780			405/1	0.5300
		19	0.4030			406/451	0.0650
		16	0.0715			434	0.0260
		76/3 क	0.1950			417	0.2100
		76/3 ख	0.1820			418/1	0.1200
		76/3 ग	0.2405			418/2	0.1500
		76/4	0.0650			419	0.0065
		82/2	0.0910			425	0.0910
		82/3	0.4810			424	0.3510
		82/5	0.0520	7.	मिर्जापुर	421	0.0065
		81	0.1105			423	0.2145
		88	0.5005			422	0.0130
5.	टांडा	168	0.0100			106/1/2	0.1000
		166	0.0130			106/1	0.0750
		167	0.0020			109	0.1150
		7	0.4600			110	0.1750
		6	0.5100			111/1	0.0975
		5	0.3705			111/2	0.1040
		4	0.1000			100	0.0260
		16	0.0650			113	0.0325
		17	0.0325			38/5	0.3055
		22	0.2600			38/6	0.0050
		21	0.0040			38/2ख	0.2050
		23	0.0680			38/3	0.0200
		37	0.0150			387	0.1600
		30	0.1430			38/8	0.1000
						23	0.0975
						39	0.0325

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	मिर्जापुर—(जारी)	40	0.0650		सोपरा—(जारी)	76	0.0715
		41	0.5395			78	0.0100
8.	वरी	90	0.0520			63/3	0.0460
		93/4	0.1625			77	0.1400
		93/1क	0.2925			125/4	0.0260
		93/1/1	0.9165			125/1क/1	0.2405
		93/1/ख/1	0.1235			126	0.0650
		93/6	0.0845	10.	बेरखेड़ी	16/1क/5/8	0.0800
		93/1ग	0.0020			16/106	0.0325
		93/8	0.0050			59	0.0800
9.	सोपरा	1	0.0975	11.	सुमेर	80	0.0150
		4	0.0100			65	0.0910
		5	0.1560			66	0.3000
		6	0.0800			67	0.0975
		7/13	0.2115			68	0.0150
		7/7	0.2930			69	0.0200
		7/5/1	0.1195			70	0.0030
		7/2ख	0.0040			72/2	0.2600
		7/9/2ख	0.0975			71	0.1755
		7/9/2	0.1300			60	0.1300
		7/6/1क	0.1945			73/1क	0.0040
		7/5/3	0.0200			74/3	0.0700
		8	0.0520			74/1	0.1625
		12/1	0.2860			74/2	0.0780
		12/3	0.1300			75	0.0050
		12/2	0.1040			77	0.3120
		13	0.0040			78	0.3640
		14	0.0975			112	0.0400
		15	0.0845			96	0.1755
		33	0.0845			95/3	0.1040
		16/3	0.1105			94	0.4300
		25/128	0.1105			81	0.1560
		24	0.0715			81/4	0.2300
		24/127	0.1950			81/1	0.1820
		20	0.0130			81/2	0.0100
		59	0.1625			83	0.3200
		68	0.0040			84	0.2300
		67	0.1170			86	0.4355
		69	0.0780			141/2ख	0.0325
		66	0.0065			141/2क	0.4875
		70	0.0500			142	0.0520
		71	0.0020			143	0.0585
		71/129	0.0500	12.	झागर बमूरीका	61/1/2	0.3240
		72	0.0585			61/1/3	0.0250
		73	0.1365			61/1/6	0.2300

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	झागर बमूरिया—(जारी)	61/1/5	0.2500		मथाना—(जारी)	33	0.0200
		123/125	0.0200			31	0.2405
13.	खेरखाड़ी	18	0.0260			31/5	0.2405
		16/2	0.2100			85	0.1150
		17/2	0.5525			92	0.1900
		21/2	0.0200			93	0.3600
		24/1ख	0.2600			120/2	0.2600
		24/1क	0.5200			120/1/3क	0.1450
		24/2	0.1625			120/1/3घ	0.1250
		22	0.1040			120/1/3ग	0.1900
		75	0.0130			120/3	0.2200
		76	0.1000			120/1/1	0.4400
14.	अमोद	41/2	0.1200			123	0.4500
		41/1	0.1700			124	0.1040
		42/1	0.3400			131	0.0350
		42/2	0.0400			137	0.4100
		42/3	0.0650			134	0.1820
		43	0.2400			135	0.0715
		52/1	0.1875			133	0.4200
		52/2	0.0325	16.	पाटन	1	0.0845
		51/2ख	0.0130			2	0.0200
		51/1/2	0.3835			3	0.6110
		51/1/3	0.0390			13/1	1.0075
		51/2ख2	0.0260			11	4.0950
		60	0.0020			17	1.3000
		58/1	0.2745			14	0.1950
		58/2	0.2000			16	0.0200
		61	0.2500			15	0.4550
		233	0.0260			62	0.0130
		54/234	0.0260			56	0.0350
		67	0.0100			57	0.2450
		68	0.0020			58	0.0520
15.	मथाना	2/1	2.4375			59	0.1200
		2/2	0.1105			53	0.2405
		3	0.0600			52	0.0300
		45	0.1040			51	0.1560
		43	0.2800			68	0.0700
		24	0.0150			67	0.3035
		42	0.4225			73	0.2300
		41	0.0130			69	} 0.1000
		30	0.0065			70	
		39/1	0.1430			71	0.0130
		39/2	0.2340			72/3	0.2000
		39/3	0.1030			174	0.0780
		39/4	0.1400				

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
17.	फुलेदी	175	0.0200		बेलई (जारी)	53	0.3575
		175/1क	0.2665			54/1क	0.3200
		175/1ख	0.1040			54/1ख मि.	0.3200
		174	0.0730			54/3क	0.5900
		173	1.1310			56	1.0600
		95	0.0325			273/2	0.1500
		176/2ग	0.1820			273	0.5000
		176/2ख	0.0040	21.	अथाई खेड़ा	60	0.2100
		176मि.	0.5450			61	0.0250
		176मि.	0.2925			62	0.0150
		176मि.	0.1625			63	0.0250
		176मि.	0.2405			57/1	0.0800
		176मि.	0.4875			64	0.0050
		176/2/10	0.0975			65	0.5500
		176/2ब	0.0325			87	0.1900
		176/2य	0.1820			85	0.1300
		176/5	0.3120			812	0.0455
		172/8/27	0.0715			771	0.0065
		143	2.2590			772	0.1625
18.	फुलवाडी	132	0.1820			773	0.1300
19.	सागर अथाई	225	0.0600			774	0.1625
		226/2/2	0.1040			834	0.0130
		226/2/4	0.1625			775	0.1625
		226/2/3	0.1625			793	0.1820
		226/2/1	0.1625			792	0.3120
		226/2ख3	0.1625			791	0.0195
		226/2ख4	0.1430			789	0.0050
		226/2ख7	0.1430			790	0.3575
20.	बेलई	7	0.0260			858	0.1150
		1	0.0910			859	0.2800
		2	0.2120			734	0.0195
		3	0.1820			727/3	0.0600
		16	0.1365			953	0.1365
		17	0.0150			954	0.2730
		20	0.1625			952	0.0020
		19	0.0500			955	0.2100
		23	0.3500			951	0.0600
		24	0.0100			956	0.2700
		27	0.0150			950/2	0.0040
		28	0.2535			966	0.0850
		26	0.1500			967	0.0520
		41	0.0200			965	0.0065
		52	0.1950			935	0.0200
						968	0.2200
						978	0.0150
						256	0.0520

(1)	(2)	(3)	(4)
	अथाई खेड़ा (जारी)	986	0.0900
		980	0.0100
		982	0.0455
		985	0.0065
		984	0.1100
		983	0.0130
22	श्यामपुरा	118/2	0.0800
		118/1	0.1235
		124	0.0020
		125	0.2600
		116	0.1040
		115	0.1100
		114	0.1430
		133	0.0150
		152	0.0020
		155	0.1735
		153	0.0800
		122	0.0600
		120	0.0325
		118/3	0.2015
		118/4	0.1235
		117/1	0.1885
		119	0.0020
		62	0.0780
		117/2	0.0150
		61/1	0.0780
		63/2	0.1850
		63/1	0.1885
		56	0.3000
		53	0.0520
		57	0.0520
		55	0.1560
		48	0.3380
		46	0.0020
		47	0.2405
		33	0.0100

[फा. सं. आर-31015/5/2008-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th February, 2008

S.O. 303.— Whereas it appears to the Central Government that it is necessary in public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh, Pipeline to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Lethwani, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

Tehsil : Mungawali District : Ashok Nagar
State : Madhya Pradesh

Sl. No.	Name of Village	Survey No.	Area in Hectares
(1)	(2)	(3)	(4)
1.	Maharajkhedi	100	0.1944
		12/4	0.0150
		12/8	0.0390
		12/7	0.0150
		12/6	0.0100
		12/5	0.0050
		12/3	0.1400
		12/2	0.0576
		12/1	0.1170
		11	0.0130
		9/201	0.4212
		9	0.0200
2.	Pipariya Malhargan	7	0.3445
		8	0.2860
		22	0.1950
		23	0.0325
		44 मि.	0.3510
		44/1	0.2880
		45/1	
		45 मि.	0.0975
		43/3	
		40	
		39	
		38	0.0065

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	Pipariya Malhargan-(contd.)	37/2	0.0715		Madhhawal-(contd)	76/3 ख	0.1820
		37/1	0.1625			76/3 ग	0.2405
		30/4	0.0845			76/4	0.0650
		33/1	0.1820			82/2	0.0910
		32	0.2145			82/3	0.4810
		31	0.0100			82/5	0.0520
		129/2	0.0150			81	0.1105
		130	0.0150			88	0.5005
		188 मि	0.1050	5.	Tanda	168	0.0100
		188/2	0.0850			166	0.0130
		195	0.2860			167	0.0020
		196	0.2145			7	0.4600
		197	0.1820			6	0.5100
		204	0.2000			5	0.3705
		208	0.1750			4	0.1000
		207	0.0250			16	0.0650
		210	0.0500			17	0.0325
		209	0.1400			22	0.2600
		212	0.0065			21	0.0040
		211	0.0200			23	0.0680
		238	0.0325			37	0.0150
		236	0.0130			30	0.1430
		239	0.0130			29	0.3600
		240	0.3400			28	0.0325
		241	0.3200			25	0.0130
		253	0.1820	6.	Narkheda	359/450	0.1105
		252	0.0300			356/449	0.0355
		251	0.0150			359/2	0.3100
		248	0.0050			359/1	0.3700
		250	0.0650			357	0.1170
		249	0.0520			343	0.0200
		247	0.0020			354	0.2275
3.	Kirmichikhedhi	4	0.0030			367	0.0200
		5	0.3900			373	0.0200
		7/1	0.2600			380	0.0200
		7/4	0.0780			375	0.1820
		7/2	0.1235			376	0.0520
		6	0.0715			371	0.0200
		11	0.0390			390/2	0.4875
		1	0.0130			377	0.1625
4.	Madhhawal	40/1	0.3055			338	0.0200
		40/2 मि	0.3510			405/1	0.5300
		12	0.0780			406/451	0.0650
		19	0.4030			434	0.0260
		16	0.0715			417	0.2100
		76/3 क	0.1950			418/1	0.1200
						418/2	0.1500
						419	0.0065
						425	0.0910

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	Narkheda—(Contd.)	424	0.3510		Sopra—(Contd.)	12/3	0.1300
		421	0.0065			12/2	0.1040
		423	0.2145			13	0.0040
		422	0.0130			14	0.0975
						15	0.0845
7.	Mirjapur	106/1/2	0.1000			33	0.0845
		106/1/मि	0.0750			16/3	0.1105
		109	0.1150			25/128	0.1105
		110	0.1750			24	0.0715
		111/1	0.0975			24/127	0.1950
		111/2	0.1040			20	0.0130
		100	0.0260			59	0.1625
		113	0.0325			68	0.0040
		38/5	0.3055			67	0.1170
		38/6	0.0050			69	0.0780
		38/2ख	0.2050			66	0.0065
		38/3	0.0200			70	0.0500
		38/7	0.1600			71	0.0020
		38/8	0.1000			71/129	0.0500
		23	0.0975			72	0.0585
		39	0.0325			73	0.1365
		40	0.0650			76	0.0715
		41	0.5395			78	0.0100
8.	Vari	90	0.0520			63/3	0.0460
		93/4	0.1625			77	0.1400
		93/1/क	0.2925			125/4	0.0260
		93/1/1	0.9165			125/1क/1	0.2405
		93/1/ख/1	0.1235			126	0.0650
		93/6	0.0845	10.	Berkhedhi	16/1क/5/8	0.0800
		93/1ग	0.0020			16/106	0.0325
		93/8	0.0050			59	0.0800
9.	Sopra	1	0.0975	11.	Sumer	80	0.0150
		4	0.0100			65	0.0910
		5	0.1560			66	0.3000
		6	0.0800			67	0.0975
		7/13	0.2115			68	0.0150
		7/7	0.2930			69	0.0200
		7/5/1	0.1195			70	0.0030
		7/2ख	0.0040			72/2	0.2600
		7/9/2ख	0.0975			71	0.1755
		7/9/2	0.1300			60	0.1300
		7/6/1क	0.1945			73/1क	0.0040
		7/5/3	0.200			74/3	0.0700
		8	0.0520			74/1	0.1625
		12/1	0.2860			74/2	0.0780
						75	0.0050

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	Sumer—(Contd.)	77	0.3120		Amoda—(Contd.)	58/2	0.2000
		78	0.3640			61	0.2500
		112	0.0400			233	0.0260
		96	0.1755			54/234	0.0260
		95/3	0.1040			67	0.0100
		94	0.4300			68	0.0020
		81	0.1560	15.	Mathana	2/1	2.4375
		81/4	0.2300			2/2	0.1105
		81/1	0.1820			3	0.0600
		81/2	0.0100			45	0.1040
		83	0.3200			43	0.2800
		84	0.2300			24	0.0150
		86	0.4355			42	0.4225
		141/2ख	0.0325			41	0.0130
		141/2क	0.4875			30	0.0065
		142	0.0520			39/1	0.1430
		143	0.0585			39/2	0.2340
12.	Jhagar Bamuriya	61/1/2	0.3240			39/3	0.1030
		61/1/3	0.0250			39/4	0.1400
		61/1/6	0.2300			33	0.0200
		61/1/5	0.2500			31	0.2405
		123/125	0.0200			31/5	0.2405
13.	Kherkhadhi	18	0.0260			85	0.1150
		16/2	0.2100			92	0.1900
		17/2	0.5525			93	0.3600
		21/2	0.0200			120/2	0.2600
		24/1ख	0.2600			120/1/3क	0.1450
		24/1क	0.5200			120/1/3घ	0.1250
		24/2	0.1625			120/1/3ग	0.1900
		22	0.1040			120/3	0.2200
		75	0.0130			120/1/1	0.4400
		76	0.1000			123	0.4500
14.	Amoda	41/2	0.1200			124	0.1040
		41/1	0.1700			131	0.0350
		42/1	0.3400			137	0.4100
		42/2	0.0400			134	0.1820
		42/3	0.0650			135	0.0715
		43	0.2400			133	0.4200
		52/1	0.1875	16.	Patan	1	0.0845
		52/2	0.0325			2	0.0200
		51/2ख	0.0130			3	0.6110
		51/1/2	0.3835			13/1	1.0075
		51/1/3	0.0390			11	4.0950
		51/2ख2	0.0260			17	1.3000
		60	0.0020			14	0.1950
		58/1	0.2745			16	0.0200

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	Patan—(Contd.)	15	0.4550	20.	Belai	7	0.0260
		62	0.0130			1	0.0910
		56	0.0350			2	0.2120
		57	0.2450			3	0.1820
		58	0.0520			16	0.1365
		59	0.1200			17	0.0150
		53	0.2405			20	0.1625
		52	0.0300			19	0.0500
		51	0.1560			23	0.3500
		68	0.0700			24	0.0100
		67	0.3035			27	0.0150
		73	0.2300			28	0.2535
		69	0.1000			26	0.1500
		70				41	0.0200
		71				52	0.1950
		72/3	0.2000			53	0.3575
		174	0.0780			54/1क	0.3200
17.	Rhuledi	175	0.0200			54/1ख मि.	0.3200
		175/1क	0.2665			54/3क	0.5900
		175/1ख	0.1040			56	1.0600
		174	0.0730			273/2	0.1500
		173	1.1310			273	0.5000
		95	0.0325	21.	Athai Kheda	60	0.2100
		176/2ग	0.1820			61	0.0250
		176/2ख	0.0040			62	0.0150
		176मि.	0.5450			63	0.0250
		176मि.	0.2925			57/1	0.0800
		176मि.	0.1625			64	0.0050
		176मि.	0.2405			65	0.5500
		176मि.	0.4875			87	0.1900
		176/2/10	0.0975			85	0.1300
		176/2झ	0.0325			812	0.0455
		176/2ञ	0.1820			771	0.0065
		176/5	0.3120			772	0.1625
		172/8/27	0.0715			773	0.1300
		143	2.2590			774	0.1625
18.	Phulbadi	132	0.1820			834	0.0130
19.	Sagar Athai	225	0.0600			775	0.1625
		226/2/2	0.1040			793	0.1820
		226/2/4	0.1625			792	0.3120
		226/2/3	0.1625			791	0.0195
		226/2/1	0.1625			789	0.0050
		226/2ख3	0.1625			790	0.3575
		226/2ख4	0.1430			858	0.1150
		226/2ख7	0.1430			859	0.2800
						734	0.0195

(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	Athai Kheda—(Contd.)	727/3	0.0600		Shyampura—(Contd.)	55	0.1560
		953	0.1365			48	0.3380
		954	0.2730			46	0.0020
		952	0.0020			47	0.2405
		955	0.2100			33	0.0100
		951	0.0600				
		956	0.2700				
		950/2	0.0040				
		966	0.0850				
		967	0.0520				
		965	0.0065				
		935	0.0200				
		968	0.2200				
		978	0.0150				
		256	0.0520				
		986	0.0900				
		980	0.0100				
		982	0.0455				
		985	0.0065				
		984	0.1100				
		983	0.0130				
22.	Shyampura	118/2	0.0800				
		118/1	0.1235				
		124	0.0020				
		125	0.2600				
		116	0.1040				
		115	0.1100				
		114	0.1430				
		133	0.0150				
		152	0.0020				
		155	0.1735				
		153	0.0800				
		122	0.0600				
		120	0.0325				
		118/3	0.2015				
		118/4	0.1235				
		117/1	0.1885				
		119	0.0020				
		62	0.0780				
		117/2	0.0150				
		61/1	0.0780				
		63/2	0.1850				
		63/1	0.1885				
		56	0.3000				
		53	0.0520				
		57	0.0520				

[F. No. R-31015/5/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 फरवरी, 2008

का.आ. 304.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थान से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार के अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवती जेटवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, बी-105 इन्द्रा विहार तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : बारां		जिला : बारां	राज्य : राजस्थान
क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
(1)	(2)	(3)	(4)
1.	बामला	233	0.0558
		257	0.2736
		256	0.2268
		259	0.2000
		261/1643	0.1640
		261	0.0055
		262	0.2030
		263	0.0060
		359	0.0830

1	2	3	4	1	2	3	4
	बामला—(जारी)	358	0.0144		बामला—(जारी)	887	0.0100
		356	0.1640			882	0.0485
		355	0.0660			880	0.0740
		357	0.1350			878	0.0396
		354	0.0020			871	0.0080
		376	0.0590			872	0.0880
		395	0.1190			870	0.0740
		396	0.0920			873	0.0020
		397	0.0920			874	0.0360
		405	0.0020			869	0.0324
		406	0.2645			867	0.0740
		407	0.0640			936	0.0830
		552	0.0216			962	0.0396
		556	0.0100			989/1585	0.1190
		557	0.0468			992	0.1135
		558	0.0020			994/1590	0.0360
		560	0.0270			995/1592	0.0360
		561	0.0845			1357	0.0360
		563	0.0025			1360	0.2290
		562	0.0432			1361	0.0576
		564	0.0144			1363	0.1760
		575	0.0432			1364	0.3200
		576	0.0288			1366	0.3090
		573	0.0020			1385	0.0216
		578	0.0936			1396	0.2085
		579	0.0020			1395	0.6660
		571	0.0020			1393	0.0504
		702	0.0360			1479/1622	0.2740
		822	0.0540			1480	0.3550
		821	0.0324			1481	0.2900
		820	0.0324			1481/1654	0.0360
		819	0.0210			1485	0.0100
		823	0.0200			1486	0.1960
		818	0.0720			1497	0.7090
		824	0.0020			1491	0.0504
		843/1588	0.0020			1492	0.0020
		843	0.0504			1490	0.0600
		844	0.0020	2 तुमडा		242	0.0900
		814	0.0396			243	0.0468
		813	0.0396			241	0.0316
		847	0.0126			244	0.0936
		846	0.0450			246	0.0360
		850	0.0364			247	0.0432
		891	0.0590			248	0.0063
		892	0.0740			251	0.0522
		894	0.0450			250	0.0234
		886	0.0590			257	0.0010
		883	0.0360				

1	2	3	4	1	2	3	4
3	खैराली	739	0.0594		खैराली—(जारी)	1275/1178	0.0306
		804	0.0010			1174	0.1134
		805	0.1260			1173	0.0108
		795	0.0234			1175	0.0216
		806	0.2538			1220	0.2160
		807	0.0738			1221	0.0020
		809	0.0918			1222	0.1754
		825	0.2124			1227	0.2178
		827	0.1098			1228	0.2358
		826	0.3042			1229	0.1818
		822/1281	0.2034			1225	0.1098
		822	0.0010			1239	0.0020
		838	0.1818			1240	0.0010
		856	0.1440	4	स्टयन्ड	367	0.0252
		857	0.0180			368/911	0.0036
		858	0.3978			365	0.1600
		899	0.0025			365/908	0.4460
		860	0.1242			373	0.1440
		861	0.0288			378	0.1188
		904	0.0010			377	0.1880
		862	0.0760			995/417	0.1944
		1246/862	0.2178			977/417	0.1944
		862/1292	0.2178			417	0.2376
		878	0.2178			420	0.0650
		900	0.0576			419	0.0010
		964	0.0350			424	0.4176
		899	0.1728			423	0.0540
		882	0.0036	5	लेवा	325	0.0244
		966	0.0020			324	0.1116
		967	0.0558			323	0.0324
		969	0.1944			327	0.0450
		975	0.0010			384	0.8010
		971	0.1908			386	0.0594
		973	0.0198			385	0.2700
		974	0.1314			392	0.0396
		979	0.1386			399	0.2340
		981	0.6372			402	0.2304
		1142	0.0108			403	0.0270
		1145	0.1170			404	0.4680
		1154	0.0025			410	0.2520
		1155	0.0882			409	0.0360
		1156	0.0144			408	0.0108
		1153	0.0288			483	0.0360
		1158	0.0020			484	0.0810
		1151	0.0738			485	0.0360
		1172	0.0558			496	0.5112

1	2	3	4	1	2	3	4
	लेवा—(जारी)	487	0.1656		बेंगना—(जारी)	483	0.0018
		488/520	0.0036			480	0.0090
		495	0.0396			479	0.1152
		494	0.1638			475	0.0010
		493	0.0020			931	0.0180
		491	0.0162			930	0.0180
6	बेंगना	10	0.0288			927	0.1584
		11	0.2070			933	0.0126
		8	0.3384			934	0.0010
		7	0.0180			949	0.4680
		19	0.2484			943	0.0054
		29	0.3240			948	0.1548
		28	0.0324			965	0.2970
		30	0.1908			966	0.0396
		46	0.1926			967	0.0324
		45	0.0648			1044	0.0144
		59	0.2808			1042	0.0180
		60	0.0540			1038	0.0612
		85	0.2034			1039	0.0324
		84	0.4932			1036	0.0020
		1289/1242	0.1152			1035	0.6930
		84/1242	0.0180			1032	0.0108
		66	0.0270			1024/1250	0.1116
		65	0.0360			1224/1250	0.1116
		67	0.0900			1024	0.1620
		69	0.0108			1027	0.0900
		72	0.0126			1026	0.1980
		73	0.0036				
		74	0.0504				
		274	0.0216				
		374	0.0900				
		374/1244	0.0684				
		376	0.0324				
		406	0.1386				
		430	0.0036				
		426	0.0846				
		425	0.0414				
		427	0.0468				
		423	0.0504				
		422	0.0576				
		417	0.1386				
		414	0.1692				
		412	0.0432				
		445	0.0504				
		482	0.1116				
		481	0.0324				

[फा. सं. आर-31015/2/2008-ओ आर-11]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th February, 2008

S.O. 304.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh, Pipeline to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date

on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE

Tehsil: Barun District: Baran State: Rajasthan

Sl. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1	Bamla	233	0.0558
		257	0.2736
		256	0.2268
		259	0.2000
		261/1643	0.1640
		261	0.0055
		262	0.2030
		263	0.0060
		359	0.0830
		358	0.0144
		356	0.1640
		355	0.0660
		357	0.1350
		354	0.0020
		376	0.0590
		395	0.1190
		396	0.0920
		397	0.0920
		405	0.0020
		406	0.2645
		407	0.0640
		552	0.0216
		556	0.0100
		557	0.0468
		558	0.0020
		560	0.0270
		561	0.0845
		563	0.0025
		562	0.0432
		564	0.0144
		575	0.0432
		576	0.0288
		573	0.0020
		578	0.0936
		579	0.0020
		571	0.0020

1	2	3	4
	Bamla—(Conrd.)	702	0.0360
		822	0.0540
		821	0.0324
		820	0.0324
		819	0.0210
		823	0.0200
		818	0.0720
		824	0.0020
		843/1588	0.0020
		843	0.0504
		844	0.0020
		814	0.0396
		813	0.0396
		847	0.0126
		846	0.0450
		850	0.0364
		891	0.0590
		892	0.0740
		894	0.0450
		886	0.0590
		883	0.0360
		887	0.0100
		882	0.0485
		880	0.0740
		878	0.0396
		871	0.0080
		872	0.0880
		870	0.0740
		873	0.0020
		874	0.0360
		869	0.0324
		867	0.0740
		936	0.0830
		962	0.0396
		989/1585	0.1190
		992	0.1135
		994/1590	0.0360
		995/1592	0.0360
		1357	0.0360
		1360	0.2290
		1361	0.0576
		1363	0.1760
		1364	0.3200
		1366	0.3090
		1385	0.0216
		1396	0.2085

1	2	3	4	1 2	3	4	
	Bamla—(Contd.)	1395	0.6660		Khairali—(Contd.)	900	0.0576
		1393	0.0504			964	0.0350
		1479/1622	0.2740			899	0.1728
		1480	0.3550			882	0.0036
		1481	0.2900			966	0.0020
		1481/1654	0.0360			967	0.0558
		1485	0.0100			969	0.1944
		1486	0.1960			975	0.0010
		1497	0.7090			971	0.1908
		1491	0.0504			973	0.0198
		1492	0.0020			974	0.1314
		1490	0.0600			979	0.1386
2. Tumdha		242	0.0900			981	0.6372
		243	0.0468			1142	0.0108
		241	0.0316			1145	0.1170
		244	0.0936			1154	0.0025
		246	0.0360			1155	0.0882
		247	0.0432			1156	0.0144
		248	0.0063			1153	0.0288
		251	0.0522			1158	0.0020
		250	0.0234			1151	0.0738
		257	0.0010			1172	0.0558
3. Khairali		739	0.0594			1275/1178	0.0306
		804	0.0010			1174	0.1134
		805	0.1260			1173	0.0108
		795	0.0234			1175	0.0216
		806	0.2538			1220	0.2160
		807	0.0738			1221	0.0020
		809	0.0918			1222	0.1754
		825	0.2124			1227	0.2178
		827	0.1098			1228	0.2358
		826	0.3042			1229	0.1818
		822/1281	0.2034			1225	0.1098
		822	0.0010			1239	0.0020
		838	0.1818			1240	0.0010
		856	0.1440	4 Ratavad		367	0.0252
		857	0.0180			368/911	0.0036
		858	0.3978			365	0.1600
		859	0.0025			365/908	0.4460
		860	0.1242			373	0.1440
		861	0.0288			378	0.1188
		904	0.0010			377	0.1880
		862	0.0760			995/417	0.1944
		1246/862	0.2178			977/417	0.1944
		862/1292	0.2178			417	0.2376
		878	0.2178			420	0.0650

1	2	3	4	1	2	3	4
	Ratavad—(Contd.)	419	0.0010		Bengna—(Contd.)	69	0.0108
		424	0.4176			72	0.0126
		423	0.0540			73	0.0036
5. Levea		325	0.0244			74	0.0504
		324	0.1116			274	0.0216
		323	0.0324			374	0.0900
		327	0.0450			374/1244	0.0684
		384	0.8010			376	0.0324
		386	0.0594			406	0.1386
		385	0.2700			430	0.0036
		392	0.0396			426	0.0846
		399	0.2340			425	0.0414
		402	0.2304			427	0.0408
		403	0.0270			423	0.0504
		404	0.4680			422	0.0576
		410	0.2520			417	0.1386
		409	0.0360			414	0.1692
		408	0.0108			412	0.0432
		483	0.0360			445	0.0504
		484	0.0810			482	0.1116
		485	0.0360			481	0.0324
		496	0.5112			483	0.0018
		487	0.1656			480	0.0090
		488/520	0.0036			479	0.1152
		495	0.0396			475	0.0010
		494	0.1638			931	0.0180
		493	0.0020			930	0.0180
		491	0.0162			927	0.1584
6. Bengna		10	0.0288			933	0.0126
		11	0.2070			934	0.0010
		8	0.3384			949	0.4680
		7	0.0180			943	0.0094
		19	0.2484			948	0.1548
		29	0.3240			965	0.2970
		28	0.0324			966	0.0396
		30	0.1908			967	0.0324
		46	0.1926			1044	0.0144
		45	0.0648			1042	0.0180
		59	0.2808			1038	0.0612
		60	0.0540			1039	0.0324
		85	0.2034			1036	0.0020
		84	0.4932			1035	0.6930
		1289/1242	0.1152			1032	0.0108
		84/1242	0.0180			1024/1250	0.1116
		66	0.0270			1224/1250	0.1116
		66	0.0360			1024	0.1620
		67	0.0900				

1	2	3	4
Bengna—(Contd.)	1027	0.0900	
	1026	0.1980	
[F.No.R-31015/2/2008-OR-II]			
A. GOSWAMI, Under Secy.			
नई दिल्ली, 12 फरवरी, 2008			
का.आ. 305.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;			
और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;			
अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,			
कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तरीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवंती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105 इन्द्रा विहार तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।			
अनुसूची			
तहसील : सांगोद	जिला : कोटा	राज्य : राजस्थान	
क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1	सलोनिया	33	0.0720
		29	0.0360
		24	0.1100
		22	0.2664
		30	0.1100
		94	0.1900
		93	0.2664
		82	0.1008
		89	0.1728
		88	0.2450
		87	0.0300
		105	0.0450
		131	0.1600

1	2	3	4
	Salpniya—(Contd.)	88	0.2450
		87	0.0300
		105	0.0450
		131	0.1600
		132	0.1600
		128	0.0054
		134	0.0504

ए. गोस्वामी, अवर सचिव

135	0.0216
125	0.0018
137	0.2232
139	0.0648
140	0.1080
165	0.0990
166	0.0018
164	0.0126
190	0.0954
178	0.0020
189	0.0900
188	0.0450
185	0.0288
186	0.0162
187	0.0018
184	0.0450
183	0.2952
34	0.0360
2. Khedligudla	
1	0.3816
137	0.1050
136	0.0150
21	0.0050
22	0.1152
132	0.0100
131	0.1224
26	0.0750
130	0.0030
27	0.2232
128	0.1368
36	0.1152
37	0.2592
40	0.0950
43	0.0360
49	0.2520
50	0.0800
54	0.0800
56	0.1200
57	0.0040
63	0.1000

1	2	3	4	1	2	3	4
	Khedligudla—(Contd.)	64	0.0600		खजूरिया खुर्द—(जारी)	123	0.2745
		76	0.2808			148	0.2470
		77	0.0100			149	0.1560
		91	0.1000			152	0.2100
		78	0.0600			150	0.0845
		90	0.0350			161	0.1300
		84	0.1080			162	0.1430
		85	0.0360			165	0.1170
		86	0.2750			166	0.1300
		88	0.0864			167	0.0050
		87	0.0360			168	0.0975
						169	0.1170
						173/1	0.0845
						173/2	0.0260
						173/3	0.0520
				2.	बीरपुर	133/2	0.0800
						114	0.0100
						113/1	0.3200
						113/2	0.0020
						113/3	0.2275
						112	0.0020
						103	0.0130
						102	0.1950
						101/2	0.1625
						101/1	0.2275
				3.	सावन	49	0.1560
						50	0.1365
						51	0.0450
						52	0.2860
						53	0.5330
						391	0.0200
						392	0.2340
						389	0.1755
						388	0.1000
						387	0.0650
						386	0.0020
						398	0.1885
						400	0.0585
						401	0.0400
						402	0.3900
						403	0.1560
						414	0.0200
						415	0.0975
						417	0.0200
						419	0.0520
						420	0.0200

[F.No. R-31015/4/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 फरवरी, 2008

का.आ. 306.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाययुक्त अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खजिन पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतिमां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105 इन्द्रा विहार तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : अशोक नगर जिला : अशोक नगर राज्य : मध्य प्रदेश

क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	खजूरिया खुर्द	122	0.0260

1	2	3	4	1	2	3	4
	सावन—(जारी)	422	0.0950	5	सेमरा	300	0.0260
		423	0.0100			279	0.0030
		424	0.0300			299	0.0100
		452	0.2665			280	0.1950
		450	0.0920			281	0.1950
		431	0.0100			283	0.0130
		439	0.4745			285	0.0195
		445	0.0100			286	0.0050
		442	0.3250			284	0.3400
		440	0.0520			268	0.1560
		441	0.01820			267	0.1100
4.	सागर	7/1	0.0325			266	0.0850
		84	0.0910			288	0.0650
		85/1	0.0585			246	0.0450
		86/1/क	0.0260			247	0.0130
		86/7	0.1820			245	0.0065
		87	0.0230			68	0.0200
		88/1	0.0260			69	0.1625
		88/2	0.0650			70	0.0050
		103	0.0500			52	0.0200
		105	0.0520			53	0.1750
		104	0.0650			19	0.2860
		106	0.0845			21	0.3055
		110/1/क	0.0460			28	0.0800
		110/1/ख	0.1040			27	0.2730
		110/2	0.1625			26	0.0230
		109	0.0200			25	0.0910
		121	0.2405			5	0.0390
		124	0.0050			32	0.3150
		126	0.1755			2	0.1170
		128	0.0100	6	तुमेन	631	0.1235
		127	0.0730			632	0.0030
		208/1	0.0715			636	0.0260
		133	0.1365			586	0.0050
		207	0.3575			588	0.0950
		160	0.0130			587	0.0050
		161	0.2650			562	0.0520
		162	0.0100			528	0.1000
		179	0.1365			457	0.0195
		184	0.0020			452	0.0150
		183	0.0250			454	0.1500
		182	0.0555			453	0.0500
		181	0.0715			455	0.1430
		187	0.2600			456	0.0040
		191	0.1120			439	0.0130
						438	0.0260

1	2	3	4	1	2	3	4
	तुमेन—(जारी)	435	0.1105		तुमेन—(जारी)	590	0.3380
		436	0.1300			591	0.1300
		433	0.1040			547	0.0350
		432	0.1950			560	0.1105
		431	0.1300			548	0.1300
		426	0.2600			549	0.1625
		425	0.0225			545	0.0020
		350	0.0195			551	0.0360
		327	0.0325			544	0.1105
		352	0.1500			534	0.0780
		353	0.0200			533	0.0800
		318	0.0130			532	0.0800
		325	0.0130			526	0.1755
		326	0.0260			524	0.1000
		324	0.0520			530	0.0260
		323	0.1235			529	0.1300
		322	0.0030			527	0.0130
		309	0.0910	7	आमखेड़ा तुमेन	353	0.0260
		308	0.0390			354	0.0455
		307	0.0600			359	0.1560
		310	0.0065			358	0.1560
		306	0.1100			350	} 0.3315
		303	0.0160			350/2	
		302	0.1235			348	0.1170
		301	0.0260			347	0.0050
	295/1692		0.0530			321	0.0845
	178		0.0325			320	0.0650
	175		0.1040			315	0.1625
	180		0.0325			316	0.0020
	174		0.0650			317	0.1625
	179		0.0650			261	0.1950
	173		0.1300			262	0.3120
	50		0.1900			265	0.0195
	49		0.1040			273	0.0195
	48		0.1040			266/1	0.0715
	1		0.0520			271	0.2340
	630		0.3400			38	0.0325
	627		0.0040			40	0.6000
	629		0.0350			41	0.3150
	628		0.2200			3	0.5720
	620		0.0300			6	0.0150
	613		0.1150			3/2घ/2	0.1755
	619		0.1820			2	0.0150
	612		0.3000			1/1छ	0.0910
	597		0.0325			1/2	0.6000
	589		0.0250	8	जलालपुर	440	0.0390
						442	0.1300

1	2	3	4	1	2	3	4
	जलालपुर—(जारी)	439	0.0450		डंगाही—(जारी)	29	0.2300
		438	0.1300			41/2	0.0975
		445	0.0845			31	0.0195
		214	0.0520			15	0.0100
		229	0.1820			13	0.1000
		230	0.0020			12	0.3600
		227	0.1200			9	0.3600
		226	0.1950			8	0.03445
		238	0.2600			1	0.3800
		220	0.0020	10	पैसरवास	733	0.0260
		225	0.0020			731	0.0050
		205	0.2080			730	0.0350
		204	0.2470			732/1	0.0150
		203	0.1820			639	0.0975
		199	0.0250			637	0.0975
		200	0.3055			633	0.0050
		192	0.0050			635	0.1625
		191	0.1300			636	0.0100
		189	0.0750			615	0.0130
		188	0.0050			614/3	0.0150
		195	0.1040			614/2	0.0455
		162	0.3000			614	0.0650
9	डंगाही	255	0.2525			614/1	0.0050
		257/1क	0.1500			613	0.0200
		254	0.0100			588	0.0325
		252/1	0.1000			591	0.0260
		252/2	0.1500			592	0.0250
		251	0.3445			557	0.0455
		259	0.0455			556	0.2045
		204	0.0455			555	0.1690
		205	0.0050			554	0.0400
		203	0.1625			495	0.0040
		207	0.1690			496/2	0.1365
		208	0.1625			496/1	0.1625
		201	0.0455			498	0.0065
		212	0.0820			497	0.0800
		214	0.1820			499/3	0.0455
		215	0.0065			499/2	0.1200
		216	0.0975			501	0.0150
		48	0.0260			476	0.1040
		50	0.1625			502	0.0300
		49	0.1430			475/1	0.0910
		52	0.1495			475/2	0.0600
		42	0.0325			475/3	0.0100
		40	0.1430			474	0.1430
		39	0.0160			473/2	0.0200
		34	0.0650				

1	2	3	4	1	2	3	4
	पैसरवास—(जारी)	473/1	0.0390		ककरूआराय—(जारी)	307/3ख	0.0050
		503	0.3835			340	0.0020
		505	0.1400			302/1	0.0150
		504	0.0065			304/3	0.2600
		76/2	0.1625			304/2	0.1000
11	बासरा	215	0.2405			304/1	0.0520
		214	0.5200			281	0.0195
		192	0.5000			264	0.0325
		193	0.0050			263	0.0130
		196	0.0455			249	0.0325
		197	0.0455			251	0.1500
		198	0.1365			247	0.1820
		199	0.0650			252	0.0195
		133/1	0.0050			254	0.0260
		133/2	0.3400			256	0.0130
		133/3	0.1000			257	0.1300
		135	0.3000			258	0.0225
		132	0.0050			259	0.0425
		131/2	0.3000			244	0.0750
		124	0.0325			240	0.2405
		125	0.0195			243	0.0050
		121	0.1040			238	0.2015
		122/1	0.2500			237	0.1300
		122/3	0.0150			153/582	0.0325
		119	0.0780			236	0.0065
		107/2	0.2000			147	0.0520
		107/3	0.1625			146	0.1430
		107/1	0.1040			145	0.0020
		106	0.0130	14	बहेरी पछार	12/1	0.0455
		105	0.3250			12/2	0.0390
		104	0.0150			14/1	0.1560
12	कुरवाय	173	0.2275			14/2	0.2275
		117	0.5950			15/1क	} 0.1755
		117/2	0.0900			15/1ख	
		116	0.4290			15/2	0.1430
		95	0.0130			83	0.2860
		12	0.2015			82	0.1625
		9	0.0910			84	0.0130
		3	0.0065			85	0.1495
		2	0.3510	15	मथनेर	950	0.0050
13	ककरूआराय	576	0.1170			939	0.1365
		574	0.0090			944	0.1690
		569	0.0200			943	0.0100
		308	0.0100			940	0.2000
		310	0.0050			896	0.3640
						899	0.0800

1	2	3	4	1	2	3	4
	मथनेर—(जारी)	897	0.0130		दमोह—(जारी)	280	0.0390
		905	0.0800			281	0.2990
		906	0.0325			282	0.0130
		933	0.0020			291	0.2990
		898	0.1100		18. मदी कानूनगो	19	0.0195
		907	0.0520			20/1	0.1300
		911	0.1300			20/2	0.0455
		928	0.0050			20/3	0.0845
		912	0.0100			22	0.2200
		502	0.1820			24/2	0.0040
		500	0.2000			32	0.0325
		501	0.0600			31	0.1430
		499	0.1820			33	0.1625
		508	0.0100			57	0.1700
		487	0.2275			42/5	0.0065
		488	0.2340			42/7	0.1625
		483	0.2535			48	0.0780
		62	0.0100			56	0.0520
		61	0.0100			43	0.0520
		33	0.1820			46	0.0650
		32	0.0200			47	0.0020
		34	0.2275			49	0.0260
		35	0.2200			53	0.3120
		31	0.3500			55	0.0130
		36	0.1430			110/2	0.1235
		29	0.1000			111	0.1800
		28	0.5750			381	0.0325
		22	0.2730			382/2	0.3705
		21	0.0050			405	0.3185
16 मोहरी ज्ञान		261	0.1560			404/2	0.0845
		262	0.1000			404/3/3	0.0325
		266	0.3250			404/3/2	0.1500
		265	0.0250			404 मि.	0.2275
		268	0.0260			403	0.1300
		284	0.1400			527	0.0220
		287	0.2150			528	0.0195
		286	0.0300			529	0.1500
		288	0.1820			564	0.2800
17. दमोह		242	0.1625			567	0.0325
		243	0.1625			566	0.0020
		244/1	0.1400			568	0.1430
		244/2				578	0.2145
		245/2	0.1560			579	0.0520
		248	0.0065			581	0.0845
		279	0.0030			627	0.2600
						626	0.2080
						634	0.0040

1	2	3	4	1	2	3	4
	मड़ी कानूनगो—(जारी)	630	0.0040		कैथाई—(जारी)	78/2	0.1430
		633	0.2925			78/3	0.1600
		635	0.2860			72	0.0450
		651	0.0520			71	0.1200
		637	0.0700			70	0.2665
		650	0.1300			85/353	0.0040
		638	0.1560			130	0.0975
		639	0.1430			82	0.0150
		647	0.0100			83	0.0040
		644	0.1365			84/352	0.0520
		642	0.2925			84	0.0200
		758	0.0260			132	0.0150
19. विजय पुरा		1	0.3050			131	0.2665
		31	0.2308			133	0.0500
		36	0.2470			127	0.0600
		37	0.0130			126	0.0600
		56	0.0900			134	0.1500
		55	0.0200			135	0.2000
		54/2	0.0130			136	0.0805
		54/1	0.0715			137	0.0300
		66	0.0350			121	0.3510
		67/1	0.0910			120	0.0250
		53	0.0780			141	0.3500
		72	0.0130			143	0.3500
		71	0.1700			146	0.1560
		76	0.0520			155	0.0400
		75	0.1650			147	0.0950
		82	0.0910			148	0.0300
		83	0.0200			149	0.0325
		84	0.4700			150	0.1105
		92	0.1300			154	0.0300
		95/1	0.2000			151	0.2000
		101	0.0900			148मि	0.1040
		102/1	0.0040			106	0.0390
		96/1	0.1300			180/2	0.0050
		99	0.4095			181	0.3510
		98	0.0065			559	0.0230
		155	0.0845	21. कुन्दौरा		558	0.0325
		201	0.2860			557	0.1300
		203/2	0.1135			560	0.0200
		203/3	0.0100			561	0.0040
		203/4	0.1200			562	0.0150
		198	0.0260			563	0.2438
20. कैथाई		77	0.1040			586	0.2600
		73	0.0100			587	0.0715
		76	0.0100				

1	2	3	4
22. केलारस	45	0.0650	
	46	0.0100	
	44	0.0975	
	43	0.1105	
	42	0.1430	
	41/1	0.1040	
	41/2	0.1170	
	40	0.0040	
	51/1	0.1885	
	31	0.1560	
	30	0.0040	
	57	0.0850	
	28/1	0.3600	
	28/2	0.0020	
	58	0.0050	
	27	0.0400	
	61	0.3900	
	1	0.1000	

[फा. सं. आर-31015/8/2008-ओ आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th February, 2008

S.O. 206.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh, Pipeline to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).

SCHEDULE			
Tehsil : Ashok Nagar		District : Ashok Nagar	
State : Madhya Pradesh			
S.No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Khajuria Khurd	122	0.0260
		123	0.2745
		148	0.2470
		149	0.1560
		152	0.2100
		150	0.0845
		161	0.1300
		162	0.1430
		165	0.1170
		166	0.1300
		167	0.0050
		168	0.0975
		169	0.1170
		173/1	0.0845
		173/2	0.0260
		173/3	0.0520
2.	Birpur	133/2	0.0800
		114	0.0100
		113/1	0.3200
		113/2	0.0020
		113/3	0.2275
		112	0.0020
		103	0.0130
		102	0.1950
		101/2	0.1625
		101/1	0.2275
3.	Savan	49	0.1560
		50	0.1365
		51	0.1560
		52	0.2860
		53	0.5330
		391	0.0200
		392	0.2340
		389	0.1755
		388	0.1000
		387	0.0650
		386	0.0020
		398	0.1885
		400	0.0585
		401	0.0400

1	2	3	4	1	2	3	4
	Savan (Contd.)	402	0.3900		Sagar—Contd.	184	0.0020
		403	0.1560			183	0.0250
		414	0.0200			182	0.0555
		415	0.0975			181	0.0715
		417	0.0200			187	0.2600
		419	0.0520			191	0.1120
		420	0.0200	5. Semra		300	0.0260
		422	0.0950			279	0.0030
		423	0.0100			299	0.0100
		424	0.0300			280	0.1950
		452	0.2665			281	0.1950
		450	0.0920			283	0.0130
		431	0.0100			285	0.0195
		439	0.4745			286	0.0050
		445	0.0100			284	0.3400
		442	0.3250			268	0.1560
		440	0.0520			267	0.1100
		441	0.01820			266	0.0850
4. Sagar		7/1	0.0325			288	0.0650
		84	0.0910			246	0.0450
		85/1	0.0585			247	0.0130
		86/1/A	0.0260			245	0.0065
		86/7	0.1820			68	0.0200
		87	0.0230			69	0.1625
		88/1	0.0260			70	0.0050
		88/2	0.0650			52	0.0200
		103	0.0500			53	0.1750
		105	0.0520			19	0.2860
		104	0.0650			21	0.3055
		106	0.0845			28	0.0800
		110/1/A	0.0460			27	0.2730
		110/1/B	0.1040			26	0.0230
		110/2	0.1625			25	0.0910
		109	0.0200			5	0.0390
		121	0.2405			32	0.3150
		124	0.0050			2	0.1170
		126	0.1755	6. Tumen		631	0.1235
		128	0.0100			632	0.0030
		127	0.0730			636	0.0260
		208/1	0.0715			586	0.0050
		133	0.1365			588	0.0950
		207	0.3575			587	0.0050
		160	0.0130			562	0.0520
		161	0.2650			528	0.1000
		162	0.0100			457	0.0195
		179	0.1365			452	0.0150

1	2	3	4	1	2	3	4
	Tumen—(Contd.)	454	0.1500		Tumen—(Contd.)	620	0.0300
		453	0.0500			613	0.1150
		455	0.1430			619	0.1820
		456	0.0040			612	0.3000
		439	0.0130			597	0.0325
		438	0.0260			589	0.0250
		435	0.1105			590	0.3380
		436	0.1300			591	0.1300
		433	0.1040			547	0.0350
		432	0.1950			560	0.1105
		431	0.1300			548	0.1300
		426	0.02600			549	0.1625
		425	0.0225			545	0.0020
		350	0.0195			551	0.0360
		327	0.0325			544	0.1105
		352	0.1500			534	0.0780
		353	0.0200			533	0.0800
		318	0.0130			532	0.0800
		325	0.0130			526	0.1755
		326	0.0260			524	0.1000
		324	0.0520			530	0.0260
		323	0.1235			529	0.1300
		322	0.0030			527	0.0130
		309	0.0910	7. Amkheda Tumen		353	0.0260
		308	0.0390			354	0.0455
		307	0.0600			359	0.1560
		310	0.0065			358	0.1560
		306	0.1100			350	} 0.3315
		303	0.0160			350/2	
		302	0.1235			348	0.1170
		301	0.0260			347	0.0050
	295/1692		0.0530			321	0.0845
	178		0.0325			320	0.0650
	175		0.1040			315	0.1625
	180		0.0325			316	0.0020
	174		0.0650			317	0.1625
	179		0.0650			261	0.1950
	173		0.1300			262	0.3120
	50		0.1900			265	0.0195
	49		0.1040			273	0.0195
	48		0.1040			266/1	0.0715
	1		0.0520			271	0.2340
	630		0.3400			38	0.0325
	627		0.0040			40	0.6000
	629		0.0350			41	0.3150
	628		0.2200			3	0.5720
						6	0.0150

1	2	3	4	1	2	3	4
	Amkheda Tumen	3/2D/2	0.1755		Dangahi—(Contd.)	50	0.1625
	—(Contd.)	2	0.0150			49	0.1430
		1/1E	0.0910			52	0.1495
		1/2	0.6000			42	0.0325
8.	Jalalpur	440	0.0390			40	0.1430
		442	0.1300			39	0.0160
		439	0.0450			34	0.0650
		438	0.1300			29	0.2300
		445	0.0845			41/2	0.0975
		214	0.0520			31	0.0195
		229	0.1820			15	0.0100
		230	0.0020			13	0.1000
		227	0.1200			12	0.3600
		226	0.1950			9	0.3600
		238	0.2600			8	0.03445
		220	0.0020			1	0.3800
		225	0.0020	10.	Bhaisarwas	733	0.0260
		205	0.2080			731	0.0050
		204	0.2470			730	0.0350
		203	0.1820			732/1	0.0150
		199	0.0250			639	0.0975
		200	0.3055			637	0.0975
		192	0.0050			633	0.0050
		191	0.1300			635	0.1625
		189	0.0750			636	0.0100
		188	0.0050			615	0.0130
		195	0.1040			614/3	0.0150
		162	0.3000			614/2	0.0455
9.	Dangahi	255	0.2525			614	0.0650
		257/1A	0.1500			614/1	0.0050
		254	0.0100			613	0.0200
		252/1	0.1000			588	0.0325
		252/2	0.1500			591	0.0260
		251	0.3445			592	0.0250
		259	0.0455			557	0.0455
		204	0.0455			556	0.2045
		205	0.0050			555	0.1690
		203	0.1625			554	0.0400
		207	0.1690			495	0.0040
		208	0.1625			496/2	0.1365
		201	0.0455			496/1	0.1625
		212	0.0820			498	0.0065
		214	0.1820			497	0.0800
		215	0.0065			499/3	0.0455
		216	0.0975			499/2	0.1200
		48	0.0260			501	0.0150

1	2	3	4	1	2	3	4
	Bhaisarwas—(Contd.)	476	0.01040	13.	Kakruaray	576	0.1170
		502	0.0300			574	0.0090
		475/1	0.0910			569	0.0200
		475/2	0.0600			308	0.0100
		475/3	0.0100			310	0.0050
		474	0.1430			307/3B	0.0050
		473/2	0.0200			340	0.0020
		473/1	0.0390			302/1	0.0150
		503	0.3835			304/3	0.2600
		505	0.1400			304/2	0.1000
		504	0.0065			304/1	0.0520
		76/2	0.1625			281	0.0195
11.	Basra	215	0.2405			264	0.0325
		214	0.5200			263	0.0130
		192	0.5000			249	0.0325
		193	0.0050			251	0.1500
		196	0.0455			247	0.1820
		197	0.0455			252	0.0195
		198	0.1365			254	0.0260
		199	0.0650			256	0.0130
		133/1	0.0050			257	0.1300
		133/2	0.3400			258	0.0225
		133/3	0.1000			259	0.0425
		135	0.3000			244	0.0750
		132	0.0050			240	0.2405
		131/2	0.3000			243	0.0050
		124	0.0325			238	0.2015
		125	0.0195			237	0.1300
		121	0.1040			153/582	0.0325
		122/1	0.2500			236	0.0065
		122/3	0.0150			147	0.0520
		119	0.0780			146	0.1430
		107/2	0.2000			145	0.0020
		107/3	0.1625	14.	Baheri Pachhar	12/1	0.0455
		107/1	0.1040			12/2	0.0390
		106	0.0130			14/1	0.1560
		105	0.3250			14/2	0.2275
		104	0.0150			15/1A	} 0.1755
12.	Kurvay	173	0.2275			15/1B	
		117	0.5950			15/2	
		117/2	0.0900			83	0.1430
		116	0.4290			82	0.2860
		95	0.0130			84	0.1625
		12	0.2015			85	0.0130
		9	0.0910			950	0.1495
		3	0.0065	15.	Mathner	939	0.0050
		2	0.3510				0.1365

1	2	3	4	1	2	3	4
	Mathner—(Contd.)	944	0.1690		Damo—(Contd.)	245/2	0.1560
		943	0.0100			248	0.0065
		940	0.2000			279	0.0030
		896	0.3640			280	0.0390
		899	0.0800			281	0.2990
		897	0.0130			282	0.0130
		905	0.0800			291	0.2990
		906	0.0325	18. Madhi Kanungo		19	0.0195
		898	0.1100			20/1	0.1300
		933	0.0020			20/2	0.0455
		907	0.0520			20/3	0.0845
		911	0.1300			22	0.2200
		928	0.0050			24/2	0.0040
		912	0.0100			32	0.0325
		502	0.1820			31	0.1430
		500	0.2000			33	0.1625
		501	0.0600			57	0.1700
		499	0.1820			42/5	0.0065
		508	0.0100			42/7	0.1625
		487	0.2275			48	0.0780
		488	0.2340			56	0.0520
		483	0.2535			43	0.0520
		62	0.0100			46	0.0650
		61	0.0100			47	0.0020
		33	0.1820			49	0.0260
		32	0.0200			53	0.3120
		34	0.2275			55	0.0130
		35	0.2200			110/2	0.1235
		31	0.3500			111	0.1800
		36	0.1430			381	0.0325
		29	0.1000			382/2	0.3705
		28	0.5750			405	0.3185
		22	0.2730			404/2	0.0845
		21	0.0050			404/3/3	0.0325
16. Mohri Gyan		261	0.1560			404/3/2	0.1500
		262	0.1000			404m.	0.2275
		266	0.3250			403	0.1300
		265	0.0250			527	0.0220
		268	0.0260			528	0.0195
		284	0.1400			529	0.1500
		287	0.2150			564	0.2800
		286	0.0300			567	0.0325
		288	0.1820			566	0.0020
17. Damoh		242	0.1625			568	0.1430
		243	0.1625			578	0.2145
		244/1	} 0.1400			579	0.0520
		244/2				581	0.0845

1	2	3	4	1	2	3	4
	Madhi Kanungo	627	0.2600	20. Kaithai	77	0.1040	
	—(Contd.)	626	0.2080		73	0.0100	
		634	0.0040		76	0.0100	
		630	0.0040		78/2	0.1430	
		633	0.2925		78/3	0.1600	
		635	0.2860		72	0.0450	
		651	0.0520		71	0.1200	
		637	0.0700		70	0.2665	
		650	0.1300		85/353	0.0040	
		638	0.1560		130	0.0975	
		639	0.1430		82	0.0150	
		647	0.0100		83	0.0040	
		644	0.1365		84/352	0.0520	
		642	0.2925		84	0.0200	
		758	0.0260		132	0.0150	
19. Vijayapura	1	0.3050			131	0.2665	
	31	0.2308			133	0.0500	
	36	0.2470			127	0.0600	
	37	0.0130			126	0.0600	
	56	0.0900			134	0.1500	
	55	0.0200			135	0.2000	
	54/2	0.0130			136	0.0805	
	54/1	0.0715			137	0.0300	
	66	0.0350			121	0.3510	
	67/1	0.0910			120	0.0250	
	53	0.0780			141	0.3500	
	72	0.0130			143	0.3500	
	71	0.1700			146	0.1560	
	76	0.0520			155	0.0400	
	75	0.1650			147	0.0950	
	82	0.0910			148	0.0300	
	83	0.0200			149	0.0325	
	84	0.4700			150	0.1105	
	92	0.1300			154	0.0300	
	95/1	0.2000			151	0.2000	
	101	0.0900			148m	0.1040	
	102/1	0.0040			106	0.0390	
	96/1	0.1300			180/2	0.0050	
	99	0.4095		21. Kundaura	181	0.3510	
	98	0.0065			559	0.0230	
	155	0.0845			558	0.0325	
	201	0.2860			557	0.1300	
	203/2	0.1135			560	0.0200	
	203/3	0.0100			561	0.0040	
	203/4	0.1200			562	0.0150	
	198	0.0260			563	0.2438	
					586	0.2600	
					587	0.0715	

1	2	3	4
22.	Kelaras	45	0.0650
		46	0.0100
		44	0.0975
		43	0.1105
		42	0.1430
		41/1	0.1040
		41/2	0.1170
		40	0.0040
		51/1	0.1885
		31	0.1560
		30	0.0040
		57	0.0850
		28/1	0.3600
		28/2	0.0020
		58	0.0050
		27	0.0400
		61	0.3900
		1	0.1000

[F.No. R-31015/8/2008-OR-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 14 फरवरी, 2008

क्रा.आ. 307.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में बीना संस्थापन से राजस्थान राज्य में कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और, केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाब्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिये उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्रीमति भगवती जेठवानी, सक्षम प्राधिकारी, बीना-कोटा पाइपलाइन परियोजना, भारत पेट्रोलियम कार्पोरेशन लिमिटेड, बी-105, इन्द्रा विहार, तलवण्डी, कोटा-324005 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : भदरू		जिला : बारां	राज्य : राजस्थान
क्र. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	सहरोद	33	0.0360
		36	0.1440
		32	0.0360
		31	0.1512
		26	0.4000
		24	0.0360
		25	0.1368
		25/1576	0.0216
		22	0.2200
		21	0.0432
		21/1532	0.0360
		19	0.2592
		18	0.0144
		16	0.3800
		16/1547	0.0432
		761	0.1500
		761/1548	0.2050
		762	0.0864
		767	0.0360
		791	0.2800
		792	0.1728
		794	0.0360
		805	0.0360
		801	0.0144
		802	0.3500
		800	0.2088
		808	0.0072
		799	0.1800
		798	0.1008
		863	0.0360
		903	0.4176
		903/1680	0.0072
		903/1803	0.0072
		902	0.0792
		914	0.0360
		916	0.1440
		917	0.1800
		918	0.0720
		919	0.1728
		924	0.0720
		921	0.0648
		922	0.2520

1	2	3	4	1	2	3	4
	सहरोद—(जारी)	934	0.0144		जिरोद—(जारी)	28	0.0144
		973	0.1800			53	0.2016
		943/1518	0.0216			52	0.0936
		965/1541	0.0216			43	0.4464
		965	0.2592			44	0.2160
		967	0.2016			36	0.4320
		964	0.0504			37	0.1224
		963	0.1080			32	0.0144
		980	0.1728			31	0.0360
		981	0.0432	5. खुरी		294	0.0216
		983	0.0360			295	0.0020
		984	0.3456			293	0.1884
		985	0.1584			298	0.1250
		985/1692	0.0144			299	0.2160
		1008	0.1584			300	0.0360
		1008/1693	0.0072			317	0.3300
		1008/1700	0.0144			317/1633	0.0360
		1002	0.1512			318	0.0260
		1001	0.2592			316	0.2300
		1000	0.1584			315	0.0020
		999	0.0216			320	0.2560
		998	0.1800			330	0.0820
		998/1696	0.0144			330/1639	0.0630
		997	0.1584			329	0.4060
		996	0.0504			358	0.1500
		1034	0.1440			358/1450	0.0144
		995	0.1080			357	0.3240
		1035	0.3240			357/1641	0.0144
		994	0.0144			355	0.0288
2. ढोटी		1477	0.0216			356	0.2450
		1478	0.0072			389	0.2000
		1479	0.0216			388	0.0720
		1480	0.0144			392	0.0216
		1481	0.0252			432	0.0360
3. काचरा		114	0.0216			433	0.1630
4. जिरोद		3	0.1440			434	0.1100
		4	0.0144			439	0.0300
		3/702	0.0216			452	0.0650
		8	0.1440			454	0.2050
		5/704	0.0144			455	0.0288
		5	0.0360			456	0.1562
		28/708	0.0072			457	0.0770
		6/705	0.0072			458	0.0020
		6	0.0720			449	0.0460
		73	0.0720			460	0.1000
		28/706	0.0144			461	0.0144
						462	0.7676

1	2	3	4	1	2	3	4
	खुरी—(जारी)	630	0.0144		निमोदा—(जारी)	102	0.0144
		1274	0.0144			103	0.2200
		1295	0.0504			107	0.0500
		1294	0.0720			104	0.0144
		1296	0.0144			108	0.1100
		1289	0.0252			106	0.0132
		1298/1651	0.0432			113	0.2880
		1298/1650	0.0040			113/384	0.0072
		1298	0.0200			116	0.0100
		1299	0.0470			115	0.1728
		1300	0.0530			115/386	0.0144
		1301	0.0576			114	0.2160
		1285	0.0040			175/387	0.0432
		1302	0.1000			125/387	0.0432
		1350	0.0700			125/315	0.0648
		1351	0.0630			125/322	0.1800
		1352	0.1000			128	0.0288
		1369	0.1080			127	0.1440
		1369/1574	0.0288			286	0.0360
		1368	0.1650			151	0.1440
		1365	0.0530			129	0.0288
		1366	0.0040	7. मेरमातालाब		6	0.1080
		1378	0.0360			25	0.0216
		1379	0.1080			26	0.3200
		1382	0.2232			27	0.3200
		1402	0.2950			28	0.0864
		1400	0.0790			29	0.2160
		1401	0.0470			72	0.0900
		1397	0.1350			67	0.3450
		1398	0.2900			65	0.2300
		1396	0.0450			55	0.1950
		1396/1578	0.0500			54	0.0360
		1395	0.0216			885	0.2100
6. निमोदा		9	0.0216			880	0.0144
		12	0.0864			874	0.3560
		12/312	0.3600			875	0.0020
		10	0.0220			872	0.0300
		11	0.0020			873	0.0260
		94	0.0100			864	0.1080
		93	0.0720			863	0.0072
		93/300	0.3150			862	0.2660
		91	0.1944			732	0.0576
		91/381	0.0360			747	0.0020
		91/380	0.0144			750	0.0040
		90	0.0144			751	0.0240
		101	0.0600			752	0.1794

1	2	3	4	1	2	3	4
	मेरमातालाब	754	0.0288		गन्दोलिया—(जारी)	270	0.0144
		723	0.0810			265/904	0.0020
		722	0.4280			265	0.1440
		585	0.0648			276	0.0072
		586	0.0100			278	0.1080
		584	0.0100			277	0.0720
		583	0.0020			287	0.2160
		581	0.0750			305	0.2088
		580	0.0400			306	0.0864
		579	0.0040			307	0.0144
		554/1261	0.0216			303	0.0360
		556	0.0990			299	0.0432
		557	0.0864			298	0.0216
		558	0.0720			303/768	0.0432
		561	0.1080			736	0.2016
		570	0.0020			735	0.0020
		562	0.0500			736/910	0.0144
		569	0.0500			737	0.2880
		568	0.1152			746	0.0432
		567	0.0020			746/784	0.2448
		615	0.2800			745	0.1152
		513	0.0504			745/799	0.0216
		482	0.2916				0.0144
		483	0.1800				0.0432
		485	0.0216				0.2880
		486	0.3096			752	0.0216
		488	0.1710			751	0.0144
		490	0.0072	9. अटल		612	0.0504
		491	0.0144			615	0.3916
8. गन्दोलिया		51	0.1584			648	0.0036
		52	0.1440			649	0.0278
		57	0.0144			647	0.0684
		58	0.2016			644/1937	0.0270
		58/774	0.1296			646/1937	0.0270
		62	0.0360			653	0.3240
		62/951	0.0072			598	0.0396
		61	0.0216			661	0.0144
		61/950	0.0072			665	0.1404
		64	0.0576			519	0.0020
		60	0.0144			520	0.0020
		81	0.0216			517	0.0306
		82	0.2304			518	0.0072
		83	0.2160			521	0.1908
		215	0.3240			516	0.3420
		214/958	0.0288			511	0.0558
		269	0.0360			679	0.2970

1	2	3	4	1	2	3	4
9.	अटक—(जारी)	507	0.0378	II. खेड़लीबांसला—(जारी)	2	0.0216	
		681	0.0080		4	0.0144	
		681/1952	0.0072		5	0.0610	
		682	0.0756		9	0.3600	
		683	0.2214		8	0.0216	
		501	0.2538		12	0.0500	
		502	0.1494		30	0.0700	
		498	0.0036		28	0.2520	
		496	0.0342		27	0.1872	
		497	0.1404		26	0.1080	
		416	0.0558		56	0.0820	
		353	0.3386		56/628	0.0100	
		313	0.3690		25	0.2520	
		314	0.0130		66	0.2520	
		317	0.1944		67	0.0750	
		305	0.1134		64	0.1530	
		319	0.3024		98	0.1550	
		304/1902	0.0072		97	0.0100	
		302	0.0072		95	0.2000	
		301	0.0558		195	0.1800	
		280	0.0738		196	0.1700	
		300	0.3220		197	0.0360	
		281	0.0100		198	0.0720	
		289	0.1224		199	0.0504	
		288	0.0072		200	0.0020	
		287	0.0384		203	0.1872	
		291	0.0036		238	0.2664	
10.	लक्ष्मीपुरा	92	0.1490		239	0.3240	
		91	0.0600		236	0.0360	
		79	0.1670		240	0.1080	
		77	0.0020		235	0.0864	
		80	0.0020		233	0.2720	
		76	0.2160		227	0.0648	
		75	0.1440		520	0.0360	
		67	0.0396		515	0.2160	
		56	0.2970		518	0.0630	
		48	0.0010		525	0.1750	
		52	0.0020		526	0.1440	
		51	0.0160		528	0.0630	
		49	0.3470		527	0.1530	
		50	0.1728		549	0.1224	
		14	0.0080		550	0.0072	
		13	0.0300	12. बरलाँ	604	0.0330	
		12	0.0360		634	0.0100	
		11	0.4350		633	0.0100	
					608	0.1080	

1	2	3	4	1	2	3	4
12. बरलां		631	0.0936	14. बलदेवपुरा		213	0.1440
		630	0.1584			213/441	0.0650
		642	0.0100			221	0.0576
		629	0.2016			224	0.1628
		626/1078	0.1080			225	0.0040
		628	0.0400			223	0.0720
		625	0.0216			228	0.0072
		626/1076	0.3744			229	0.2044
		624	0.0432			229/416	0.1860
		623	0.4100			333	0.0720
		622	0.0288			335/403	0.0140
		621	0.4100			332	0.0432
		620	0.0540			324/404	0.0504
		619	0.0180			323	0.0792
		618	0.0648			321	0.0300
		617	0.5580			323/372	0.0432
		617/1003	0.0144			324	0.0504
13. छत्रपुरा		849	0.0070			324/477	0.0720
		848	0.1260			324/406	0.0504
		847	0.0144			324/405	0.0432
		846	0.3960			331	0.0140
		844	0.0360	15 दढ़ा		596	0.0594
		843	0.0100			538	0.0100
		831	0.1052			540	0.0540
		832	0.4050			541	0.0792
		829	0.1720			542	0.1440
		828	0.3330			516/728	0.0072
		823	0.0144			513	0.0864
		459	0.0504			510	0.0360
14. बलदेवपुरा		174	0.3800			512	0.0030
		195	0.1584			511	0.0648
		196	0.0432			508	0.0030
		241/476	0.0020			521	0.1296
		197	0.0720			507	0.0200
		191	0.0020			522	0.0040
		198	0.0792			523	0.1152
		190/474	0.0020			524	0.0400
		197/475	0.0360			525	0.0792
		199	0.0864			462	0.0220
		200	0.1152			455	0.0864
		201	0.0360			448	0.1656
		201/417	0.0144			445	0.4680
		202	0.0288			444	0.0360
		217/521	0.0288			241/654	0.0792
		218	0.0864			241/624	0.0792
		219	0.0720			241	0.1800

1	2	3	4	1	2	3	4
	दडा—(जारी)	243	0.0040		SAHROD—(Contd.)	21/1532	0.0360
		239	0.0144			19	0.2592
		240	0.1440			18	0.0144
		216	0.0216			16	0.3800
	[फा. सं. आर-31015/3/2008-ओ आर-II]					16/1547	0.0432
	ए. गोस्वामी, अवर सचिव					761	0.1500
	New Delhi, the 14th February, 2008					761/1548	0.2050
	S.O. 307.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Bina terminal in the State of Madhya Pradesh, Pipeline to Kota in the State of Rajasthan should be laid by Bharat Petroleum Corporation Limited;					762	0.0864
	And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;					767	0.0360
	Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;					791	0.2800
	Any person, interested in the land described in the said Schedule may within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Smt. Bhagwanti Jethwani, Competent Authority, Bina-kota Pipeline Project, Bharat Petroleum Corporation Limited, B-105 Indra Vihar Talwandi, Kota - 324005 (Rajasthan).					792	0.1728
						794	0.0360
						805	0.0360
						801	0.0144
						802	0.3500
						800	0.2088
						808	0.0072
						799	0.1800
						798	0.1008
						863	0.0360
						903	0.4176
						903/1680	0.0072
						903/1803	0.0072
						902	0.0792
						914	0.0360
						916	0.1440
						917	0.1800
						918	0.0720
						919	0.1728
						924	0.0720
						921	0.0648
						922	0.2520
						934	0.0144
						973	0.1800
						943/1518	0.0216
						965/1541	0.0216
						965	0.2592
						967	0.2016
						964	0.0504
						963	0.1080
						980	0.1728
						981	0.0432
						983	0.0360
						984	0.3456
						985	0.1584
						985/1692	0.0144

SCHEDULE

Tehsil: Atru District: Baran State: Rajasthan

Sl. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	SAHROD	33	0.0360
		36	0.1440
		32	0.0360
		31	0.1512
		26	0.4000
		24	0.0360
		25	0.1368
		25/1576	0.0216
		22	0.2200
		21	0.0432

1	2	3	4	1	2	3	4
SAHROD—(Contd.)		1008	0.1584	KHURI—(Contd.)		299	0.2160
		1008/1693	0.0072			300	0.0360
		1008/1700	0.0144			317	0.3300
		1002	0.1512			317/1633	0.0360
		1001	0.2592			318	0.0260
		1000	0.1584			316	0.2300
		999	0.0216			315	0.0020
		998	0.1800			320	0.2560
		*998/1696	0.0144			330	0.0820
		997	0.1584			330/1639	0.0630
		996	0.0504			329	0.4060
		1034	0.1440			358	0.1500
		995	0.1080			358/1450	0.0144
		1035	0.3240			357	0.3240
		994	0.0144			357/1641	0.0144
		1477	0.0216			355	0.0288
2. DHHOTI		1478	0.0072			356	0.2450
		1479	0.0216			* 389	0.2000
		1480	0.0144			388	0.0720
		1481	0.0252			392	0.0216
3. KACHRA		114	0.0216			432	0.0360
4. JIROD		3	0.1440			433	0.1630
		4	0.0144			434	0.1100
		3/702	0.0216			439	0.0300
		8	0.1440			452	0.0650
		5/704	0.0144			454	0.2050
		5	0.0360			455	0.0288
		28/708	0.0072			456	0.1562
		6/705	0.0072			457	0.0770
		6	0.0720			458	0.0020
		73	0.0720			449	0.0460
		28/706	0.0144			460	0.1000
		28	0.0144			461	0.0144
		53	0.2016			462	0.7676
		52	0.0936			630	0.0144
		43	0.4464			1274	0.0144
		44	0.2160			1295	0.0504
		36	0.4320			1294	0.0720
		37	0.1224			1296	0.0144
		32	0.0144			1289	0.0252
		31	0.0360			1298/1651	0.0432
5. KHURI		294	0.0216			1298/1650	0.0040
		295	0.0020			1298	0.0200
		293	0.1884			1299	0.0470
		298	0.1250			1300	0.0530
						1301	0.0576
						1285	0.0040

1	2	3	4	1	2	3	4
	KHURI—(Contd.)	1302	0.1000		NIMODA—(Contd.)	175/387	0.0432
		1350	0.0700			125/387	0.0432
		1351	0.0630			125/315	0.0648
		1352	0.1000			125/322	0.1800
		1369	0.1080			128	0.0288
		1369/1574	0.0288			127	0.1440
		1368	0.1650			286	0.0360
		1365	0.0530			151	0.1440
		1366	0.0040			129	0.0288
		1378	0.0360		7. MERMA TALAB	6	0.1080
		1379	0.1080			25	0.0216
		1382	0.2232			26	0.3200
		1402	0.2950			27	0.3200
		1400	0.0790			28	0.0864
		1401	0.0470			29	0.2160
		1397	0.1350			72	0.0900
		1398	0.2900			67	0.3450
		1396	0.0450			65	0.2300
		1396/1578	0.0500			55	0.1950
		1395	0.0216			54	0.0360
6. NIMODA		9	0.0216			885	0.2100
		12	0.0864			880	0.0144
		12/312	0.3600			874	0.3560
		10	0.0220			875	0.0020
		11	0.0020			872	0.0300
		94	0.0100			873	0.0260
		93	0.0720			864	0.1080
		93/300	0.3150			863	0.0072
		91	0.1944			862	0.2660
		91/381	0.0360			732	0.0576
		91/380	0.0144			747	0.0020
		90	0.0144			750	0.0040
		101	0.0600			751	0.0240
		102	0.0144			752	0.1794
		103	0.2200			754	0.0288
		107	0.0500			723	0.0810
		104	0.0144			722	0.4280
		108	0.1100			585	0.0648
		106	0.0132			586	0.0100
		113	0.2880			584	0.0100
		113/384	0.0072			583	0.0020
		116	0.0100			581	0.0750
		115	0.1728			580	0.0400
		115/386	0.0144			579	0.0040
		114	0.2160			554/1261	0.0216

1	2	3	4	1	2	3	4
MERMA TALAB (Contd.)		556	0.0990	GANDOLIYA—(Contd.)		303	0.0360
		557	0.0864			299	0.0432
		558	0.0720			298	0.0216
		561	0.1080			303/768	0.0432
		570	0.0020			736	0.2016
		562	0.0500			735	0.0020
		569	0.0500			736/910	0.0144
		568	0.1152			737	0.2880
		567	0.0020			746	0.0432
		615	0.2800			746/784	0.2448
		513	0.0504			745	0.1152
		482	0.2916			745/899	0.0216
		483	0.1800			749	0.0144
		485	0.0216			738	0.0432
		486	0.3096			750	0.2880
		488	0.1710			752	0.0216
		490	0.0072			751	0.0144
		491	0.0144	9. ATRU		612	0.0504
8. GANDOLIYA		51	0.1584			615	0.3916
		52	0.1440			648	0.0036
		57	0.0144			649	0.0278
		58	0.2016			647	0.0684
		58/774	0.1296			644/1937	0.0270
		62	0.0360			646/1937	0.0270
		62/951	0.0072			653	0.3240
		61	0.0216			598	0.0396
		61/950	0.0072			661	0.0144
		64	0.0576			665	0.1404
		60	0.0144			519	0.0020
		81	0.0216			520	0.0020
		82	0.2304			517	0.0306
		83	0.2160			518	0.0072
		215	0.3240			521	0.1908
		214/958	0.0288			516	0.3420
		269	0.0360			511	0.0558
		270	0.0144			679	0.2970
		265/904	0.0020			507	0.0378
		265	0.1440			681	0.0080
		276	0.0072			681/1952	0.0072
		278	0.1080			682	0.0756
		277	0.0720			683	0.2214
		287	0.2160			501	0.2538
		305	0.2088			502	0.1494
		306	0.0864			498	0.0036
		307	0.0144			496	0.0342

1	2	3	4	1	2	3	4
	ATRU (Contd.)	497	0.1404		KHEDLI BANSLA	26	0.1080
		416	0.0558		—(Contd.)	56	0.0820
		353	0.3386			56/628	0.0100
		313	0.3690			25	0.2520
		314	0.0130			66	0.2520
		317	0.1944			67	0.0750
		305	0.1134			64	0.1530
		319	0.3024			98	0.1550
		304/1902	0.0072			97	0.0100
		302	0.0072			95	0.2000
		301	0.0558			195	0.1800
		280	0.0738			196	0.1700
		300	0.3220			197	0.0360
		281	0.0100			198	0.0720
		289	0.1224			199	0.0504
		288	0.0072			200	0.0020
		287	0.0384			203	0.1872
		291	0.0036			238	0.2664
10.	LAXMIPURA	92	0.1490			239	0.3240
		91	0.0600			236	0.0360
		79	0.1670			240	0.1080
		77	0.0020			235	0.0864
		80	0.0020			233	0.2720
		76	0.2160			227	0.0648
		75	0.1440			520	0.0360
		67	0.0396			515	0.2160
		56	0.2970			518	0.0630
		48	0.0010			525	0.1750
		52	0.0020			526	0.1440
		51	0.0160			528	0.0630
		49	0.3470			527	0.1530
		50	0.1728			549	0.1224
		14	0.0080			550	0.0072
		13	0.0300	12.	BARLAN	604	0.0330
		12	0.0360			634	0.0100
		11	0.4350			633	0.0100
11.	KHEDLI BANSLA	2	0.0216			608	0.1080
		4	0.0144			631	0.0936
		5	0.0610			630	0.1584
		9	0.3600			642	0.0100
		8	0.0216			629	0.2016
		12	0.0500			626/1078	0.1080
		30	0.0700			628	0.0400
		28	0.2520			625	0.0216
		27	0.1872			626/1076	0.3744

1	2	3	4	1	2	3	4
	BARLAN—(Contd.)	624	0.0432		BALDEVPURA	228	0.0432
		623	0.4100		—(Contd.)	229	0.2044
		622	0.0288			229/416	0.1860
		621	0.4100			333	0.0720
		620	0.0540			335/403	0.0140
		619	0.0180			332	0.0432
		618	0.0648			324/404	0.0504
		617	0.5580			323	0.0792
		617/1003	0.0144			321	0.0300
13. CHHATRAPURA		849	0.0070			323/372	0.0432
		848	0.1260			324	0.0504
		847	0.0144			324/477	0.0720
		846	0.3960			324/406	0.0504
		844	0.0360			324/405	0.0432
		843	0.0100			331	0.0140
		831	0.1052	15 DADHA		596	0.0594
		832	0.4050			538	0.0100
		829	0.1720			540	0.0540
		828	0.3330			541	0.0792
		823	0.0144			542	0.1440
		459	0.0504			516/728	0.0072
						513	0.0864
						510	0.0360
14. BALDEVPURA		174	0.3800			512	0.0030
		195	0.1584			511	0.0648
		196	0.0432			508	0.0030
		241/476	0.0020			521	0.1296
		197	0.0720			507	0.0200
		191	0.0020			522	0.0040
		198	0.0792			523	0.1152
		190/474	0.0020			524	0.0400
		197/475	0.0360			525	0.0792
		199	0.0864			462	0.0220
		200	0.1152			455	0.0864
		201	0.0360			448	0.1656
		201/417	0.0144			445	0.4680
		202	0.0288			444	0.0360
		217/521	0.0288			241/654	0.0792
		218	0.0864			241/624	0.0792
		219	0.0720			241	0.1800
		213	0.1440			243	0.0040
		213/441	0.0650			239	0.0144
		221	0.0576			240	0.1440
		224	0.1628			216	0.0216
		225	0.0040				
		223	0.0720				

[F.No. R-31015/3/2008-OR-II]

A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 17 जनवरी, 2008

का.आ. 308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-II), धनबाद के पंचाट (संदर्भ संख्या 176/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-1-2008 को प्राप्त हुआ था।

[सं. एल-20012/329/92-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 17th January, 2008

S.O. 308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 176/93) of the Central Government Industrial Tribunal (No.II) Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s BCCL and their workmen, which was received by the Central Government on 17-1-2008.

[No. L-20012/329/92-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO.2) AT DHANBAD****PRESENT**

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE No. 176 of 1993

PARTIES: : Employers in relation to the management of Sendra Bansjora Colliery of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : None
On behalf of the employers : Mr. H. Nath,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 4th January, 2008

AWARD

The Government of India, Ministry of Labour & Employment in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012(329)/92-I.R.(Coal-I) dated, the 9th November, 1993.

SCHEDULE

"Whether the action of the management of Sendra Bansjora Colliery of BCCL in denying promotion to Shri Permishwar Singh from Excv. Gr. 'D' to Excv Gr. 'C' is justified? If not, to what relief the workman is entitled for?"

2. The case of the workman in brief is that the concerned workman Permishwar Singh was appointed and posted as Helper Trainee in the scale of Rs.15.00-0.26-18-12, per day with initial basic pay of Rs.15 only per day vide Office Order No. BCCL/EXCVN/82/323 dt. 2-2-82. Thereafter he was re-categorised as Fitter Helper in EXCVN Grade-E w.e.f. 28-2-1983 with basic pay of Rs.17.20P per day vide letter No. SB/PD/83/7/511 dt. 31-3-1983. The performance of the concerned workman was quite satisfactory and he was found fit for promotion by the management. Accordingly he was given promotion to the post of E.P. Fitter in Excavation Grade 'D' vide Office order No. GM/SA/PD/325/1660 dt. 24-2-1987. Shri Nand Kishore Singh and Sri Devi Dayal Singh although they were junior to the concerned workman, they have been placed in Excavation Grade 'D' to 'C' vide office order No. GM/SA/PD/3903 dt. 13-5-1991 and vide office order No. GM/SA/PD/IA9197/90 dated 16-11-1990 respectively. Shri N.K. Singh was appointed as helper Trainee (Fitter) in Cat. I vide office order dt. 23-2-82 and the date of appointment of Shri Devi Dayal Singh is 9-2-1982 whereas the concerned workman Permishwar Singh was given appointment on the post of Helper Trainee (Fitter) in Cat. I w.e.f. 2-2-82. In the circumstances the concerned workman has been discriminated in the matter of promotion of Excavation Grade -C with out valid reason when his performance was quite satisfactory and deserve promotion. Further details has been given regarding the fact as to how the concerned workman is competent and deserves promotion in Grade-C particularly in view of the fact that the junior persons have been promoted to Grade-C and this concerned workman has not been promoted to Grade-C.

3. The case of the management in short is that the allegation against the management has been denied. The facts and circumstances as stated by the concerned workman is false and baseless. In fact as per procedure/rules the promotion to Grade-C from Grade-D is given on the basis of recommendation of the D.P.C. which includes marks obtained in the trade test and not on the basis of seniority alone. The concerned workman Permishwar Singh appeared in trade test in 1990 but he could not qualify as such his name was not recommended for promotion from grade-D to Grade-C by the D.P.C. However, the concerned workman did not appear before the D.P.C. in the year 1991 and 1992 for his promotion to Grade-C and accordingly his case could not be considered. In the year 1993 he appeared before the D.P.C. but he failed in the trade test and hence he could not be promoted. In the above circumstances no injustice has been done to the concerned

workman Permasher Singh in the matter of promotion to Grade-C from Grade-D. There is no merit in the claim of the concerned workman and hence the same may be rejected.

4. In the further rejoinder the concerned workman has denied the facts furnished by the management and has further said that the criteria of seniority of a workman can not be affected when the workman has his long sincere service with appreciation and the management has done injustice to the concerned workman in the matter of promotion.

5. POINTS TO BE DECIDED

"Whether the action of the management of Sendra Bansjora Colliery of BCCL in denying promotion to Shri Permashwer Singh from Excv. Gr.'D' to Excv. Gr. 'C' is justified? If not, to what relief the workman is entitled for?"

6. FINDING WITH REASONS

In support of the claim the concerned workman has produced himself as witness who is WW-1. He has filed several documents which have been marked as Ext. W-1, W-1/1 to W-1/13 and W-2 to W-5. The management in support of his case has produced one witness Rakesh Ranjan as MW-1 and has also produced documents marked as Ext.M-I series.

7. It appears that the witness Rakesh Ranjan was examined as MW-I on 27th August, 2003 and partly cross-examined. However, he was further cross-examined on 1-9-2003. On the deposition there is signature of the witness but due to inadvertence the signature of the then Presiding Officer has been left. However, from the record it appears that the witness has been further cross-examined on 1-9-2003 and he has put his signature. The concerned workman in his deposition has stated that he got appointment on 1-2-1982 as Fitter Helper in Cat.I. At the time of his appointment he was Matriculate and passed I.T.I. in the year 1983 he was regularised in the post of Excavation Grade-E. In the year 1987 he got his promotion in Excavation Grade-D through D.P.C. From his further evidence it appears that his colleague N.K. Singh and Devi Dayal Singh were appointed as Cat.I Fitter Helper by the same notification. However, they were junior as he had joined earlier. From his further evidence it appears that N. K. Singh got promotion in Excavation Gr. E whereas Devi Dayal Singh got his promotion on the said post after the witness. In case of his promotion on Excavation Grade-D Devi Dayal Singh got his promotion prior to him while N.K.Singh got his promotion along with him. He and Devi Dayal appeared before the D.P.C. for promotion as Grade-C at the same time. The D.P.C. without holding any test recommended the name of Devi Dayal Singh for his promotion in the Grade (torn) while they did not recommend his name. Davi Dayal Singh got his promotion in Grade-C in the year 1990. In the year 1994 Devi Dayal Singh got his promotion in Excavation Grade-B and Grade-A in 2000. And

he was not given promotion in Grade-C he raised an industrial dispute through the union. In the year 1991 and 1993 D.P.C. was formed for holding test. He intended to appear in the D.P.C. for his promotion in Grade-B but the management did not allow him to appear before the D.P.C. either in the year 1991 or 1993 on the ground of pendency of the Industrial dispute. From his evidence it appears that in the year 1991 N.K. Singh got promotion in Excavation Grade-C. In the year 1997 he got his promotion in Excavation Grade-B. However, in the year 2003 N. K. Singh got his promotion in Grade-A. The management had illegally restrained him from appearing in the D.P.C. in the year 1991 and 1993. His claim is justified. In support of his contention he has filed several exhibits which have been marked as Ext. W-1 to W-13 and further Exts. W-2 to W-5.

8. From the evidence of the concerned workman as stated, during cross-examination it appears that two persons viz. N. K. Singh and Davi Dayal Singh were appointed by the same notification by which the concerned workman was appointed. However, those two persons had joined services after joining the service of the concerned workman. However those two persons have been promoted and this concerned workman has been denied promotion and he has not been allowed to appear before the D.P.C. However, his evidence also shows that he had appeared along with Devi Dayal Singh before the D.P.C. in connection with promotion in Grade-C.

9. During cross-examination he has stated that he does not know if he got unsuccessful in the D.P.C. held in the year 1990. However he has stated that it is a fact that the D.P.C. did not recommend his name for promotion at that time. He has denied the suggestion that he did not intentionally appear before the D.P.C. in the year 1991 and 1992. It is not a fact that the management did not restrain him for appearing in the D.P.C. taking the plea of pendency of industrial dispute raised by him. He has further stated that he did not submit any petition to the effect that why he was not allowed to face the D.P.C. in the year 1991 and 1992.

10. On the other hand from the evidence of MW it appears that a trade test was conducted by the D.P.C. in the year 1990 for promotion in Excavation Grade-C. The concerned workman did not come out successfully in the trade test, his name was not recommended by the D.P.C. in the year 1990. He further stated that it is not a fact that the management give any scope to the concerned workman to appear in the trade test conducted by the D.P.C. in the year 1990-1991, for consideration of his promotion in Excavation Grade-C. Relevant papers of the trade test conducted by the D.P.C. in the year 1990 for consideration of the promotion of the concerned workman in Excavation Cat.C have been marked as Ext. M-1 series. The witness has also said that the demand of the concerned workman is not justified. During cross-examination he has stated that the concerned workman had secured 40 marks in the D.P.C.

trade test in the year 1990. Qualifying marks were required to be obtained was 40% of 40 marks allotted to trade test. The concerned workman got 15 marks in the trade test. For qualification the concerned workman got 5 marks. During further cross-examination the witness has said that the concerned workman got 5 marks for educational qualification, for professional qualification O and C.R. 20 marks and trade test 15 marks total 40. A candidate to get successful in the trade test should obtain 40% of the marks allotted. For trade test 40 marks were allotted out of which the concerned workman got 15 marks which is less than 40% marks. He has further given the details regarding the members of the committee.

11. In spite of giving sufficient opportunity as well as Regd. Notice to the concerned union no one has appeared on behalf of the concerned workman. This is the case of the year 1993.

12. Shri H. Nath, Ld. Lawyer for the management has submitted that in view of the procedure laid down Trade test is taken by the D.P.C. After a workman passes the test and after considering the matter relating to experience, qualification C.R. etc. are considered and the workman is promoted. In this context minimum marks has been fixed as 40% which has to be obtained by the concerned workman. This fact has been stated by MW-1 and the exhibits have been filed to show the procedure adopted regarding promotion of the workman from one grade to another grade. He has submitted that Ext. M-1 shows that norms of considering promotion of excavation personnel has been laid down by the members of the committee. He has further pointed out that Ext. M-1/2 and M-1/3 shows that the concerned workman had not obtained required 40% marks in the Trade test. He had not obtained the minimum qualifying marks and he was declared failed. In fact a number of other employees had appeared in the Trade test. He has further submitted that after considering all the materials and performance of the Trade test the concerned workman was declared failed and accordingly he was not given promotion in the year 1990. Thereafter he did not appear before the D.P.C. on other occasion and thus the question does not arise to promote him from Grade-D to Grade-C. He has also submitted that it is not a fact that the concerned workman was denied to appear before the D.P.C. on further occasion. Hence the concerned workman is not entitled to get any relief and the reference may be answered accordingly.

13. From the evidence of the concerned workman itself it appears that he and Devi Dayal Singh had appeared before the D.P.C. for promotion as Grade-C. However, he has stated that without holding any test D.P.C. recommended the name of Devi Dayal for his promotion while his name was not recommended. From his further evidence it appears that he was denied the opportunity to appear before the D.P.C. However, there is no document on record to show that the concerned workman did not get opportunity to appear before the D.P.C. on further occasion.

14. From the evidence of MW-1 it appears that certain procedures was laid down for consideration of promotion of the workmen from Grade-D to Grade-C. The workman

had to appear at the Trade test and to obtain minimum 40% marks. From the evidence of the witness as well as exhibits M-1/1 and M-1/3 it appears that the concerned workman had appeared before the Trade test and had failed in the examination as he did not obtain minimum marks. Ext. M-1 also shows that the procedure as stated by MW-1 has to be followed in relation to promotion of the workman and out of 100 marks overall 40% marks will be the qualifying marks.

15. Thus from the evidence and materials on record it appears that the concerned workman did not obtain the qualifying marks for promotion and had failed in the trade test and accordingly he was not promoted from Grade-D to Grade-C.

16. Thus I find no merit in the demand of the workman. In the result, the following Award is rendered:—

"The action of the management of Sendra Bansjora Colliery of BCCL in denying promotion to Shri Permeshwar Singh from Exv. Gr. 'D' to Exv. Gr. 'C' is justified. Consequently, the concerned workman is not entitled to get any relief."

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 18 जनवरी, 2008

का.आ 309.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 164/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2008 को प्राप्त हुआ था।

[सं. एल-22012/153/1997-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th January, 2008

S.O. 309.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 164/1998) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial dispute between the employers in relation to the management of S.E.C.L. and their workman, which was received by the Central Government on 18-1-2008

[No. L-22012/153/1997-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT,
JABALPUR

NO. CGIT/LC/R/164/98

Presiding Officer: Shri C.M. Singh

Secretary,
Samyuktha Khadan Mazdoor Sangh (AITUC),
Branch-Gevra Project,
Qr. No. B-342, NCL,
Gevra Project, Distt. Bilaspur. Workman/Union

Versus

General Manager,
SECL, Gevra Project,
Distt. Bilaspur (MP) Management

AWARD

Passed on this 7th day of January, 2008

1. The Government of India, Ministry of Labour vide its Notification No.L-22012/153/97-IR(C-II) dated 30-7-98 has referred the following dispute for adjudication by this tribunal :-

"Whether the action of management of SECL, Gevra Project in not promoting/upgrading Sh. Laxman Dixit S/o Sh. R.C. Dixit, E.P.Fitter Grade-III to next higher grade is justified? If not to what relief the workman is entitled to and from which date?"

2. The case of the workman in brief is as follows. That Shri Laxman Dixit was employed as E.P. Fitter Grade-III in Gevra Project, SECL. He has been so employed for the last 10 years. Juniors to him have been promoted to Fitter Grade-II. The management has been assuring that the workman would be promoted to fitter Grade-II very soon. For one or the other reason, the management purposely avoided to promote him in Fitter Grade-II. It is prayed by the workman that the management be directed to promote him in Fitter Grade-II from retrospective effect from the date his colleagues were promoted in Fitter Grade-II and in Fitter Grade-I with all back benefits along with interest thereon.

3. The case of the management in brief is as follows. A DPC was conducted in the year 1994 when the case of Shri Laxman Dixit was also considered for promotion to E.P. Fitter Grade-II. The DPC did not find Shri Laxman Dixit suitable for promotion. It is denied that the promotion of the workman was not done because of willful discrimination. No injustice has been caused to the workman by not promoting him to E.P. Fitter, Cat-II Group-"C". In view of the above, the reference be answered in favour of the management.

4. Vide order dated 16-2-06 passed on the ordersheet of this reference proceeding the case proceeded exparte against the workman.

5. The management in order to prove their case filed affidavit of their witness Shri Satya Parkash, then working as Personnel Manager in SECL, Gevra Project of Gevra Area.

6. I have heard Shri A.K. Shashi, Advocate for the management. I have very carefully gone through the evidence on record.

7. As the case proceeded exparte against the workman/Union. There is no evidence on record for proving the case of workman/Union. The case of the management is fully established from the uncontroverted and unchallenged affidavit of their witness Shri Satya Parkash. Therefore the reference deserves to be answered in favour of the management and against the workman/Union without any orders as to costs.

8. In view of the above, the reference is decided in favour of the management and against the workman/Union without any orders as to costs holding that the action of the management of SECL, Gevra Project in not promoting/upgrading Shri Laxman Dixit S/o Shri R.C. Dixit, E.P. Fitter Grade-III to next higher grade is justified and consequently the workman is not entitled to any relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

C.M.SINGH, Presiding Officer

नई दिल्ली, 23 जनवरी, 2008

का.आ 310.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 19/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2008 को प्राप्त हुआ था।

[सं. एल-12012/204/2003-आई आर(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd January, 2008

S.O. 310.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2004) of the Central Government Industrial-Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Bank of Maharashtra, and their workmen, received by the Central Government on 23-1-2008.

[No. L-12012/204/2003-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE-560022

Dated the 7th January, 2008

PRESENT

Shri A.R. SIDDIQUI, Presiding Officer

C.R. No. 19/2004

I PARTY

Shri Vijay Vasudeva Gholba
S/o Vasudeva,
Flat No. 201, Ekadant Apart-
ments, 345 Nehru Road,
Tilakwadi,
Belgaum Distt.-590 006

II PARTY

The Regional Manager,
Bank of Maharashtra,
15, Police Station Road,
Basavangudi,
Bangalore-560 004

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/204/2003-IR(B-II) dated 8th March, 2004 for adjudication on the following schedule:

SCHEDULE

"Whether the action of the management of bank of Maharashtra is justified in compulsorily retiring Shri Vijay Vasudev Gholba from the services of the Bank? If not, what relief the workman is entitled to?"

2. A charge sheet dated 12-01-2001 vide Ex.M1 came to be served upon the first party in the following terms:-

Charge Sheet

"While working as Cashier incharge at Belgaum City Branch, on 15-07-2000, you were on duty as Cashier Incharge of the branch. On the same day, after taking out the cash from the cash safe around 10.20 hours, you reached your cash cabin. Then, you left the cash cabin for toilet, with the cash bundles/packets being kept open on the table top of the cash cabin and without locking the cash cabin as well nor you kept any other staff informed to keep vigil till you returned. On your return, you declared that Cash worth Rs. 2.50 lakhs was found missing from your cabin. The details as per records, in this regard, are as under:-

Amount of cash taken out from cash safe :
Rs. 9,10,182.93

Amount of cash missing:

Rs. 100×1500=1,50,000

Rs. 50×2000=1,00,000

} : Rs. 2,50,000

As a sufficiently senior employee and more particularly as an experienced Cashier, you ought to have exercised utmost devotion and strict vigil on the huge bank's fund entrusted to your custody while on duty and also precisely after moving the cash from the safe to your cash cabin. You could have also attended the nature's call, prior to lifting the cash from the cash safe, which you failed to care for.

you have breached the laid down rules for handling/running of Cash Dept. You have committed neglect of work and negligence in performing duties. Your act has turned out to be prejudicial to the bank's interest, as your negligence has involved the bank in huge loss of Rs. 2.50 lakhs of public funds, for which the bank is rendered accountable.

In regard to the foregoing commissions and omissions, the bank charges you as under:-

Charge No. 1: You have breached the rule of bussiness of the bank and/or instructions for running the cash depart, which is an act of "MINOR" misconduct under Clause 19.7(d) of the Bipartite Settlement 1966, as modified till date.

Charged No. 2: You have committed neglect of work, negligence in performing duties, which is an act of "MINOR" misconduct under clause 19.7(c) of the Bipartite Settlement 1966, as modified till date.

Charge No. 3: You have committed an act prejudicial to bank's interest, being one of gross negligence involving the bank in serious loss, which is an act of "GROSS" misconduct under clause 19.5(j) of the Bipartite Settlement 1966, as modified till date."

3. There being no explanation offered by the first party to the charge sheet, a DE was ordered against him. The first party participated in the Domestic Enquiry taking the assistance of DR and it is on the conclusion of the enquiry, enquiry findings were submitted holding the first party guilty of the charges, he was served with enquiry report but failed to submit his comments rather failed to submit his explanation challenging the enquiry findings. Thereupon, it appears punishment of compulsory retirement was proposed giving an opportunity of personal hearing and thereafter punishment was confirmed by impugned punishment order. The first party challenged the impugned punishment order by way of appeal and it came to be rejected vide order dated 31-05-2003. The first party then raised the dispute by way of Conciliation Proceedings resulting into the failure report and then resulting into the present reference proceedings.

4. The case of the first party workman, as made out in the claim statement, relevant for the purpose is that on 15-07-2000 while he was working as cashier at Belgaum City Branch of the bank, at the commencement of the business hours at about 10.40 AM, he found that sum of Rs.2.50 lakhs was missing and immediately he reported the matter to the branch Manager. Instead of immediately closing all the enteries and exists and carrying out search operation, the branch Manager did not take any action until the night of 15-07-2000 and made a complaint to the jurisdictional police at about 8.20 p.m. on the said date. The FIR did not suspect the first party describing the incident as a mishap and a case of theft. The police while conducting the investigation searched the house of the first party and found nothing incriminating. However, on the basis of the statement given by the branch manager to save his skin the police filed the charge sheet on 25-11-2000 in CC No. 31/2000. The first party then challenged the validity and fairness of the enquiry proceedings alleging various grounds, mainly, stressing upon the point that when the criminal proceedings were initiated and charge sheet was filed, departmental enquiry proceedings could not have

been initiated and if initiated should have been put in abeyance under the terms of the Bipartite Settlement. He contended that the proceedings of enquiry were also not conducted in accordance with the principles of natural justice and in accordance with the terms of the Bipartite Settlement. He contended that when he received the notice from the Disciplinary Authority proposing the punishment of compulsory retirement, he approached the Hon'ble High Court in WP No. 26774/2002 which came to be disposed of on 21-11-2002 with a direction to the first party to appear before the Disciplinary Authority and to have informed it with regard to the proposed punishment. Thereupon, he appeared before the Disciplinary Authority on 03-01-2003 and submitted his elaborate statement as to why and how the enquiry proceedings conducted against him were not in accordance with terms of the Bipartite Settlement and that the findings of the enquiry officer holding him guilty of the charges were not supported by sufficient and legal evidence. However, the disciplinary authority by order dated 08-01-2003 rejected his submission and passed the impugned punishment order. Therefore, the first party while challenging the enquiry proceedings also challenged the enquiry findings as perverse and unreasoned and also challenged the impugned punishment order as illegal and unjust and requested this tribunal to pass an award to set aside the impugned punishment order and to reinstate him in service with full back wages, continuity of service and all other consequential benefits.

5. The management by its Counter statement, while resisting the claim of the first party and refuting the various averments made in the claim statement however, contended that the DE conducted against the first party was in accordance with the provisions of Bipartite Settlement and in consonance with the principles of natural justice and it is after evaluating both the oral and documentary evidence produced during the course of enquiry, the enquiry officer submitted his findings holding him guilty of the charges. The first party was served with the enquiry findings but did not submit his comments and explanations challenging those findings. Thereupon, punishment was proposed giving an opportunity of the personal hearing and after having taken into consideration the statement given by the first party and not finding it satisfactory, punishment proposed was confirmed and his appeal against the punishment order was also rejected. Therefore, in short the management took up the contention that the proceedings of the enquiry held against the first party were in accordance with the principles of natural justice, findings of the enquiry officer suffered from no perversity and that impugned punishment order passed against him was legal and justified and incommensurate with the gravity of the charges of misconduct committed by him.

6. Having regard to the respective contentions of the parties about the validity and fairness or otherwise of

the enquiry proceedings, this tribunal on 1-12-2004 framed the following preliminary Issue:

"Whether the Domestic Enquiry conducted against the first party by the second party is fair and proper?"

7. During the course of trial of the said issue, the management examined the enquiry officer as MW1 and got marked 3 documents namely, the charge sheet, the proceedings of the enquiry and the enquiry report at Ex.M1 to M3. The first party also examined himself without getting marked any document. After having heard the learned counsel for the respective parties, this tribunal by order dated 13-9-2006 answered the above said preliminary issue in favour of the management holding that the DE conducted against the first party by the management is fair and proper. Thereupon, the matter came to be posted to hear the learned counsels for the parties on merits of the case and after having heard them, the matter is posted this day for award.

8. Learned, counsel for the first party in his written arguments as well as in his oral arguments while reiterating the various contentions taken by the first party in his claim statement contended that the findings of the guilt recorded against him suffered from non application of mind and based on no evidence. In as much as the documents produced by him during the course of enquiry at Ex. D 13&14 have not been looked into and several aspects regarding security arrangements also have been overlooked by the enquiry officer. That the enquiry officer did not consider the fact that the three management witness examined in support of the charges were interested official witnesses and were involved in the incident in question being served with the memos and that some of them have already been taken voluntary retirement with a promise to give evidence against the first party during the course of enquiry. It was further contended that the disciplinary authority also did not apply its mind while acting upon the findings of the enquiry officer in holding the first party workman guilty of the charges. In the last a submission was made to the effect that assuming without admitting that there was any misconduct on the part of the first party, he could be at best be said to have been responsible for the contributory negligence, primary negligence being that of the branch management which failed to provide the necessary security arrangements and violated each and every requirement of the rules regarding the security and also failed to take prompt action when the loss was promptly reported by the first party. Therefore, impugned punishment order passed against the first party was illegal and unjustified much less perverse and excessive amounting to victimisation.

9. The management's counsel on the other hand supported the enquiry findings and argued that undisputedly the first party was in the custody of a sum of Rs.2.50 lakhs and it is from his custody the aforesaid amount was found missing. He contended that the explanation offered by the first party that having kept the amount on

the table of his cabin, he went to attend call of nature and returned back within few minutes to find that the above said amount was missing, first of all is not acceptable and even if, taken to be true, it is a case of gross negligence on his part in not taking sufficient care and caution of such a heavy amount being kept on the table of the cabin and then leaving the cabin without any proper and necessary precautions in the matter. Therefore the learned counsel submitted that the first party by taking the defence that he went to attend the call of nature keeping the amount unprotected in his cabin, impliedly admitted the negligence on his part and therefore, he cannot absolve himself from the liability by taking the defence that there were no proper security arrangements taken by the branch management. Learned counsel also urged on the impugned punishment awarded against the first party stating that it was the case of gross negligence causing huge financial loss to the bank and therefore, punishment of compulsory retirement was proportionate to the gravity of the misconduct committed by him.

10. After having gone through the records, more particularly, the oral and documentary evidence produced during the course of enquiry, the defence taken by the first party and the reasonings assigned by the enquiry officer in his findings holding him guilty of the charges, I do not find much substance in the arguments advanced for the first party as far as proof of the charge of misconduct of gross negligence on the part of the first party. There is no denial of the fact that the first party after having taken out the case from the cash safe around 10.20 hours reached his cash cabin and then left the cash cabin for toilet with the cash bundles/packets being kept open on the table top of the cash cabin and without locking the cash cabin or keeping any staff informed to keep vigil till he returned from the toilet. There is again no denial of the fact that on his return after having attended the call of nature to the cabin, he found a sum of Rs.2.50 lakhs missing from his cash cabin and reported this matter to the branch manager. Therefore, the aforesaid allegations made against the first party in the charge sheet by the way of charge Nos. 1 to 3 in fact have not been disputed by the first party but his only defence to the above effect is that the abovesaid amount from the cabin come to be missing there being no sufficient and proper security arrangements having been made by the branch management despite the reports made in that connection as per Exs. DI3&I4 earlier of the said incident. As could be read from the findings of the enquiry officer, as well as the oral and documentary evidence produced during the course of enquiry and very document produced by the first party, all the four witnesses examined on behalf of the management have deposed to the fact of negligence committed by the first party in not taking sufficient and proper precautionary measures when he left the cabin to attend the call of nature. All the four management witnesses with reference to the documents at Ex.M 1 to M14 have spoken to the aforesaid fact and

nothing has been brought out in their cross examination suggesting that the first party was not responsible for his act of negligence in leaving the amount in question in open while, leaving the cabin to attend the call of nature. While, meeting the questions raised by the first party during the course of cross examination of the management witnesses and by way of his defence statement, the learned enquiry officer observed as under :—

"Even assuming that there were some defects in cash cabin as per the say of defence side, what was expected to CSE(Mr. V.V. Gholba) were as follows :—

- (1) He should have taken extra precaution for safe guarding Bank funds.
- (2) He should have asked the cash officer to look after the cash till he returns from the toilet.
- (3) He could have redeposited the cash into safe and taken it out after finishing nature's call.
- (4) He should have taken the cash after answering nature's call.
- (5) Like other cashier he could have used chain and lock for the cash cabin.
- (6) He should given in writing to the branch manager regarding the deficiencies and also could have taken up the matter with higher authorities/forums to get the deficiencies removed.

Unfortunately none of the above things were done by CSE. Hence just harping on the fact that no adequate security measures were provided to the cash cabin, does not absolve CSE, Mr. V.V. Gholba off his breach of laid down rules for handling/running of cash department, neglect of work and negligence in performing duties, which act turned out to be prejudicial to the Bank's interest as his negligence has involved the bank in huge loss of Rs.2.50 lakhs of public funds.

Regarding

(1) Branch Manager obtained his signature on debit voucher Ex.M5 forcibly.

2) Cash Docket of 15-07-2000 was written by him, on the strength of piece of paper given by Branch Manager.

3) Customers/Staff approaching cash cabin from backside.

In respect of above (1)&(2), the Defence has not produced any evidence except for the say of CSE. Hence defence contention is untenable.

In respect of above (3), when the CSE claims that he is aware of duties and responsibilities and rules and regulations. Why he permitted/succumbed to Deviation?

It is nothing but just passing on mistake to the branch manager saying that it was as per BM's instructions.

In view of the above I conclude that defence has failed disprove any of the charges. Finally, in view of all above, I therefore, hold that all the charges against

Mr. V V Gholba are proved. My findings on the charges are as follows:

Charge No.1: Breach of rule of the business of the bank and of instructions for running of the cash department proved.

Charge No. 2: Committed neglect of work, negligence in performing duties proved.

Charge No. 3: Committed an act prejudicial to bank's interest, being one of gross negligence involving the bank in serious loss proved.

I submit my above findings to the Disciplinary authority.

11. Therefore, the abovesaid reasonings given by the enquiry officer in holding the workman guilty of the charges cannot be said to be perverse or suffering from any factual or legal defects. He has given his reasonings and rejected the various objections taken by the first party with regard to the security arrangements in a very befitting way. He was justified in holding that even if, there were some defects in security arrangements, the first party was not supposed to have left the cash cabin having kept open such a huge amount on the table without asking his colleagues to keep vigil or without putting lock to his cash cabin. He cannot absolve himself of the liability and responsibility of keeping close watch over the amount which was in his custody by just saying that he had left the cabin to attend the call of nature and by the time he returned back, the amount was missing. Therefore, in the light of the very defence taken by the first party that he left the cash cabin to attend the call of nature without taking precautionary measures, by no stretch of imagination, it can be said that the finding of the enquiry officer suffered from any perversity and that the charges of misconduct levelled against him have not been proved by sufficient and legal evidence.

12. Now coming to the question of quantum of the punishment. Undisputedly, it was a case of negligence rather can be said to be a gross negligence on the part of the first party. As per the very findings of the enquiry officer it was not the case of theft. He rejected the defence of the first party that it was case of theft in his absence there being no proper security arrangements to his cash cabin. As seen above, on the basis of the complaint filed by the management with the police, a charge sheet was filed and the first party was put on trial for the charge of misappropriation of the amount under Section 408 IPC. After due trial of the criminal prosecution launched against the first party, the competent criminal court by its judgment dated 14-03-2005 acquitted the first party for the offence punishable under Section 408 IPC. Therefore, as could be seen from the above, it was neither the case of theft nor the case of misappropriation of the amount by the first party and in the result as rightly held by the enquiry officer it was a case of negligence and gross negligence as covered under charge Nos. 1 to 3. Now a question arises

as to whether for such a case of negligence the impugned punishment of compulsory retirement was justified and commensurate with the gravity of the misconduct. The first party in my opinion could have hauled up for the misconduct of negligence bringing the case on hand under the category of 'shortage of money' not being accounted by the first party during the course of business hours of the bank. It is not in dispute that this was for the first time the first party committed the misconduct in question having his excellent service record of the past of about 20 years. As noted above, it was not the case of moral turpitude as well as he has been acquitted by the competent criminal court with a finding that prosecution has utterly failed to bring home the guilt of the accused beyond all reasonable doubt. Moreover, it was not the case of the management also that the first party committed misconduct of misappropriation of the funds belonging to the bank. The complaint lodged with the police by the bank in fact, did not disclose the name of the first party as an accused but was registered against some unknown persons. Therefore, having regard to the facts and circumstances of the case and keeping in view the fact that it was misconduct of negligence in discharging his duty, punishment of the compulsory retirement appears to be shockingly disproportionate to the gravity of the misconduct committed by him. At this juncture, it appears to me that the ends of justice will be met, if the first party is dealt with the penalty of withholding of his four annual increments with cumulative effect, denying him 50% of the back wages from the date of impugned punishment order till the date of his reinstatement. Hence the following award:

AWARD

The management is directed to reinstate the first party workman into its services withholding his four Annual Increments with cumulative effect from the date of impugned punishment order with 50% of the back wages from the date of impugned punishment order till the date of his reinstatement with continuity of service and all the attended benefits. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 7th January, 2008)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 23 जनवरी, 2008

का.आ. 311.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/23/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2008 को प्राप्त हुआ था।

[सं. एल-12011/11/2003-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd January, 2008

S.O. 311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.2/23/2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of Bank of India, and their workman received by the Central Government on 23-1-2008.

[No.L-12011/11/2003-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/23 of 2003

**EMPLOYERS IN RELATION TO
THE MANAGEMENT OF**

Bank of India

The General Manager (P)

Mumbai South Zone, BOI Building,

70/80 M. G. Road, Fort, Mumbai 400023

...1st Party

AND

Their workman

The General Secretary,
Bank of India Staff Union,
BOI Bldg., Ground Floor,
70/80, M.G. Road, Fort,
Mumbai 400023.

(Babusingh Shrist)

...2nd Party

APPEARANCE

For the Employer : S/Shri L.L.D' Souza & Liaz Mohd.
Representatives of the Management.

For the Workmen : Mr. M.B. Rao, Advocate

Date of reserving of Award: 24th October, 2007.

Date of passing of Award: 13th December, 2007

AWARD-I

The matrix of the facts as culled out from the proceedings are as under :

2. The Government of India, Ministry of Labour by its Order No. L-12011/11/2003-IR (B-II) dated 22nd April, 2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Bank of India, Mumbai South Zone, Mumbai to remove Shri Babusingh Shrist from service w.e.f. 3-3-2001 is

justified ? If not, to what relief the workman Shri Babusingh Shrist is entitled to?"

To support the subject matter in the reference, the Statement of claim is filed by the General Secretary of the Union at Exhibit 5 making out the case that, Workman involved in the Reference i.e. Babusingh Shrist worked with the 1st Party for 38 years. The dismissal of the concerned Workman is bad in law.

3. According to the General Secretary of the Union, the concerned Workman joined his services as sub-staff with 1st Party on 1st April, 1963. He served for 38 years with 1st party. Voluntary Retirement Scheme was declared by the Bank and concerned Workman Shri S.Babusingh Shrist applied for Voluntary Retirement.

4. At that time, office of the South Zone of the Bank served charge sheet on concerned workmen levelling charge of remaining absent on duty for 82 days without permission. Said absensee was in the year 2000. In fact Bank was aware of the sickness of the mother of the concerned Workman for which he was on leave. Besides Bank was aware that, daughter of the concerned Workman was turned into madness due to harassment given to her by her husband. All these reasons were known to the Bank, still it purposely proceeded against the concerned Workman. He was asked to admit the charge on assurances that, he will be permitted to take VRS. When he admitted the charge, instead of passing any suitable order, order of dismissal was issued against the concerned Workman which is not just and proper. According to General Secretary, the enquiry on the basis of which the concerned Workman was dismissed from the employment was not at all an enquiry. No opportunity was given to the concerned workman to participate in the enquiry and cross examine the witnesses of the Bank and permit to lead evidence in support of his case to show reason behind his absenteeism. So it is stated that, dismissal order dated 3rd April, 2001 requires to be set aside with directions to the Bank to take him back in the employment with benefits of back wages and continuity of service.

5. This is disputed by the Bank by filing written statement at Exhibit 8 making out the case that, charge sheet was served on the concerned Workman about absenteeism of 87 days. Concerned Workman accepted the charge and admitted the guilt of the charges levelled against him of remaining absent, without intimation. Said is misconduct for which punishment is given under Section 19.5 of the Bipartite Settlement. The charge of absenteeism without intimation for more than 30 days empowers the Management to take action of dismissal. In fact it was misconduct. Besides that, he remained absent for 568 days prior to that and for that he was removed and then taken in the employment still there was no improvement in the attendance of the concerned Workman. His service record was not good. The enquiry was conducted by following the due process of law. The concerned Workman appeared

in the enquiry and when he admit the guilt, question of leading evidence against the concerned Workman or proceeding against him to prove the charge which was admitted by him does not require to do by following lengthy procedure. So it is stated that, the decision taken by the Bank to remove the concerned Workman from its employment is just and proper and does not require to interfere.

6. In view of the above pleadings my Ld. Predecessor framed the Issues at Exhibit 12. Out of those IssueNo.1 was deleted and Issues Nos.2 and 3 were treated as preliminary issues, at the request of the parties remaining issue which are on the point of fairness of the enquiry and finding of it and last one is on the prayer of the concerned Workman. So Issue Nos.2and 3 which pertain to fairness of enquiry and perversity of the findings are concerned are treated as preliminary Issue which I answer as follows:

Issues	Findings
2. Whether the principles of natural Justice were followed?	Yes
3. Whether the findings recorded against the Workman are perverse?	No

REASONS:

ISSUE NO.2.

7. The Government of India, Ministry of Labour, New Delhi, by its Order dated 22nd April, 2003 sent grievance of the concerned workman for adjudication referring whether, the action taken by the Management bank dated 3-3-2001 is justified and punishment awarded is just and proper. According to Workman decision taken on 3-3-2001 is not just and proper. Whereas case of the management is that, after holding enquiry decision was taken as absenteeism charge was levelled against him was proved. Besides he denied that enquiry was not fair and proper as alleged by the concerned Workman.

8. To prove that, concerned workman relied on depositions which he confirmed in an affidavit, filed by him in lieu of examination in chief at Exhibit 18, where he states that all that story about his employment with the Bank of 38 years and cause behind his absenteeism and reason of absenteeism alleging that it was known to the Bank. He further made out the case that, Bank assured him that if he admits the charge, lenient view will be taken and he will be allowed to take VRS and on those assurances he admitted the charges. However, Bank did not keep its word and decided to take action of termination of his services which is not just and proper. However, in the cross concerned Workman admits that, he was served charge sheet on 8-1-2001. He admitted that, the enquiry was conducted as per charge sheet and he was represented in the enquiry by his Defence Representative. He admits that, his representative participated in the enquiry. He admits that, he admitted the charge levelled against him and after completion of the enquiry show cause notice regarding imposing the punishment was served on him. He admits that, he was heard on the punishment through his

representative. Even he admits that, opportunity was given to him to prefer an appeal on punishment. Against that, Bank filed an affidavit in lieu of the examination in chief at Exhibit 21 wherein Bank made out the case that, charge sheet was served on the concerned Workman. He states that, no assurance was given to the concerned Workman that, lenient view will be shown to him if he admits the guilt. He states that, Bank proceeded against the concerned Workman as per the procedure and never run away from the alleged promise given to the concerned Workman. In the cross this witness admits that, after issuing chargesheet enquiry was initiated. Enquiry was conducted about his 876 days absenteeism. It is denied that any assurance was given by the Presenting Officer as well as the Enquiry Officer to the concerned Workman that lenient view will be taken against him if he admits the guilt. It is denied that, enquiry was not conducted as per the principles of natural justice.

9. 2nd Party filed closing purshis at Exhibit 19 whereas 1st party filed it at Exhibit 22.

10. In between, by application at Exhibit 20, wife of 2nd party informed that, her husband i.e. 2nd Party Babusingh Shirst is died on 31st July, 2006 and permit her to step in his place for legal dues of the concerned Workman. This is not objected by the 1st Party and so that, application was allowed.

11. Thereafter 2nd Party submitted written arguments at Exhibit 27 which was replied by the 1st Party by filing written arguments at Exhibit 25 with some citations.

12. My learned predecessor while framing Issues kept all the Issues for consideration at a time as a preliminary issues. However, both applied by Exhibit 23 and requested to decide issue of enquiry and finding of it first and then request to consider about quantum of punishment. So by order dated 25th April, 2007 this Court considered the said prayer and taken the issue of fairness of the enquiry and perversity of the finding to be decided in Part I Award as a preliminary issue.

13. As stated above concerned Workman claimed that, he had reason to remain absent from duty. He made out the case that, his mother was sick. He states that, his daughter became sick and all these circumstances does not permit him to report on duty and Bank was aware of it, the charge against concerned Workman was that, he remained absent without prior intimation and that was the sole charge levelled against the concerned Workman. As far as giving intimation by the concerned Workman to the Bank about his absenteeism is concerned, no evidence is led by the 2nd party to show that, by particular correspondence or by particular evidence intimated Bank about his absenteeism and reason behind it. Besides it is his case that, Bank gave promises that it will take lenient view if he admits the guilt but it did not keep the promise given to him. No evidence is produced by the concerned Workman or pointed out from the record to show that, such

assurance was given by the Bank on which concerned Workman relied and accepted the guilt. If we peruse the proceedings filed at Exhibit 16, page 9, it reveals that, concerned Workman participated in the enquiry. He admit that, he received the charge sheet. Then question was put to him whether he understood the charge to which he answered 'yes'. Then question was put whether he accepts the charges to which he replied 'yes'. Besides, he explains that, he accepted the charge unconditionally and expressed desire that, he would like to be defended by his Defence Representative. His said prayer to represent his case through his Defence Representative was granted. Even he gave name of Mr. Chanchlani as his Defence Representative who appeared for him. Even said Mr. Chanchlani also admitted that, the concerned Workman admit the charge of absenteeism.

14. So it is not the case of the concerned Workman that, he by particular letter or correspondence intimated about his absenteeism and it was not considered and again punishment was given. Even concerned Workman did not submit in his evidence on record to show that, Bank gave promise that, it will consider the charge and will take lenient view while punishing him if he admits the charge but the Bank took "U" turn from it and punished him without keeping word. Even he has not pointed out that, he intimated the Bank about his absenteeism and it was served on the Bank and Bank did not consider it. So from all this it appears that, it was in his mind only and he has prepared that case in mind but, however, not communicated or intimated to the Bank. All it reveals that, it is his imaginary story which is not at all supported by cogent and satisfactory evidence to conclude that, he has intimated his reason of absenteeism and Bank has not considered it. So in this scenario I conclude that, concerned Workman has not intimated his reason behind absenteeism nor sought permission of the Bank and remained absent without prior intimation to the Bank. Even evidence brought on record reveals that, he admitted the guilt without any condition. No evidence is brought on record to show that, such assurances were given to him by the Bank and still Bank punished him and without keeping its word of taking lenient view.

15. Now, question remains whether such an inquiry can be treated fair and proper which admittedly not conducted but Enquiry proceedings placed on record reveals that the concerned Workman admit it. On that, point Advocate of the 2nd party placed reliance on citation published in 1967 FJR (SC) page 481 (Central Bank of India Vs. Karunamoy Banerjee) where Apex Court observed that, if the Workman admits the guilt, there will be nothing more for employer to enquire into and it will be an empty formality to insist upon the employer to let in evidence about the allegations. He also placed reliance on the citation published in 1996 I LLJ p.292 (Bombay High Court) Syed Waris Hussain Vs. H.T. Koli and anr. where our Hon'ble

High Court observed that finding given by the Enquiry Officer based on the admission of the delinquent is valid and held no ground to interfere in such a finding. He refer the citation published in 1998 II CLR p.1174 (Canara Bank Vs H.T. Koli and anr.) where Bombay High Court observed that, charge sheeted person voluntarily admits the guilt in that case if punishment is given on that basis it is not required to be interfered.

The citation shown published in 1986 FJR (Vol. 68) page 132 (Hindustan Aeronautics Ltd. Vs R. Gulab Singh) where Karnataka High Court has held that, if misconduct is admitted it is not necessary for the employer to hold any domestic enquiry. The citation shown published in 2006 LLR page 735 (Uranium Corporation of India Ltd. Vs. the Presiding Officer, Central Government Industrial Tribunal No.1 and Ors.) where Jharkhand High Court observed that, if Workman accepts the guilt and if once he accepts the guilt in that case no enquiry is required to proceed.

16. So, if we consider all this coupled with the case made out by both, I conclude that, enquiry which was concluded on the basis of the admission of the concerned Workman require to accept. Besides it is not proved that the so called assurances given by the Bank are not abided by it. No specific case is there and when it is not proved one has to conclude that it was fair and proper enquiry and finding given by the enquiry officer that concerned Workman remained absent without intimation which is misconduct as per Bipatrite Settlement Clause 19.5 which empower the Bank to take action. So I answer above issue to that effect and passing the following order :

ORDER

- (a) Enquiry is observed as fair and proper;
- (b) I also observed that finding is not perverse;
- (c) Parties are directed to participate in the above matter on the point of quantum of punishment.

A. A. LAD, Presiding Officer

Mumbai,

13th December, 2007

नई दिल्ली, 23 जनवरी, 2008

का.आ. 312.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/43/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2008 को प्राप्त हुआ था।

[सं. एल-12011/129/2003-आई आर (बी-11)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd January, 2008

S.O. 312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.2/43/

2003) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of Union Bank of India, and their workman received by the Central Government on 23-01-2008.

[No. L-12011/129/2003-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/43 of 2003

Employers in relation to the Management of
Union Bank of India

The General Manager (P),
Union Bank of India,
230, Vidhan Bhavan Marg,
Nariman Point, Mumbai-400021.

...1st Party

AND

Their workman

The General Secretary,
Union Bank Employees Trade Union Congress,
27, Burjorji Bharucha Marg, Fort,
Mumbai-400 023.

...2nd Party

APPEARANCE

For the Employer : Mr. P. S. Shetty, Advocate

For the Workmen : Mr. K. P. Anil Kumar Advocate.

Date of reserving of Award : 4th October, 2007.

Date of passing of Award: 13th December, 2007.

AWARD PART - I

The matrix of the facts as culled out from the proceedings are as under :

2. The Government of India, Ministry of Labour, New Delhi by its Order No. L-12011/129/2003-IR (B-II) dated 14th August, 2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“ Whether the action of the Management of Union Bank of India, Mumbai in imposing the penalty of stoppage of 3 increments with cumulative effect upon Sh. Ashok Shivnani, Clerk is Justified ? If not, what relief the workman is entitled to?”

2. Claim Statement is filed by the 2nd Party, General Secretary of the Union Bank Employees Trade Union Congress, at Exhibit 5 making out the case that, the concerned workman by name A.N. Shivnani, joined 1st Party, Bank, as a Clerk-cum Cashier, in Zonal Office (MM Zone). He was charge sheeted on 30-9-1997 alleging that

he fraudulently made encashment of cheque for Rs.1.5 lac on 7-5-1997 when he was working at Khand Bazar Branch alleging that, fraud could have been detected earlier had the concerned Workman, Shivnani taken proper care since that time Shivnani was working in Scroll Department and worked as Incharge of issuing tokens against instruments been alert. According to General Secretary, concerned Workman, though he never worked in the scroll seat before that and was not having experience of that work. Even it was his case that, he did not notice the missing of Token No.17 when he left for toilet and when he returned on the seat. It is the case of the Union that, concerned Workman Shivnani denied the handwriting on the “instrument”. According to the General Secretary since said instrument ought to have been watched for encashing against Token No.17 and the fraud would have come to the light on 7-5-1997 itself. No question arises to involve Shivnani alleging that he was responsible for the encashment of scroll of Token No. 17. According to General Secretary, concerned workman Shivnani was subjected to domestic enquiry and as a consequences of which he was awarded 3 punishments i.e. censure, stopage of 3 increments with cumulative effect and non-payment of salary and allowances or increments during the suspension period. According to General Secretary case of the Shivnani does not deserve this type of punishment. He was illegally suspended and was deprived of half salary for that period. He was wrongly punishment for single act and punished which is not as per law. There is no enquiry whose hand writing was behind the ‘instrument’ and how this instrument traveled and who are responsible for such a traveling. As per charge sheet, it was alleged that, Shivnani failed to inform about the missing of Token No.17 to the official of the bank. It is not admitted to concerned workman Shivnani. According to General Secretary, concerned Workman Shivnani did not know that, said Token No.17 was missing and without entertaining such suspicion he denied to have issued the token after returning from toilet. It is case of the union that, that time, he did not notice the missing of the token. Besides this charge levelled against Shivnani the charge of adding Token No. 17 in between entries of 16 and 18 to tally the scroll book was levelled against him. However, in the domestic enquiry deposition of one Mr. M. Y. Jitekar, Head Incharge of Cash Department has stated that Shivnani intimated the missing of Token No.17 and short of Rs. 1.5 lacs on 7th May, 1997. In fact office ought to have enquired into the said charge but it was not done and Shivnani was made scapegoat of it just to victimize him. Even said witness has stated in the domestic enquiry that, he requested Mr. Panjwani to see into the matter and locate the difference and on that Mr. Panjwani went to Mr. Zepale who was writing cash and supplementary book who had all cash paid instruments in his possession. He has further stated in the domestic enquiry that, from the said lot Mr. Panjwani took out two cash paid instruments of Rs. 1.5 lacs each. Mr. Panjwani

brought and showed those 2 instruments of Rs.1.5 lacs to him and after showing he took the said instrument to him (Mr. Jitekar, Head Shroff) that, the scroll has tallied with the Cash Payment Register. In the enquiry it came out that, Shivnani brought the scroll book and informed Panjwani that total cash scroll is tallied. Accordingly it was checked and found the total correct and it revealed that, Shivnani informed officer and Head shroff-in-charge of Cash Department regarding short of Rs.1.5 lacs. Said was informed by Head Cashier to Zepale who had all cash instruments and for that, Shivnani alone cannot be held responsible. According to General Secretary, had there been proper enquiry and follow up the fraud could have been detected on 7th May, 1997 itself. General Secretary states that, when Shivnani informed the Management witness i.e. concerned Head Cashier of the Cash Department about shortage on 7th May, 1997 and the paid cheque under Token No.17 and when it was followed by him by visiting Panjwani how it can be held that Shivnani is responsible and has not taken proper care or has not disclosed the missing of the Token No. 17 ? General Secretary further states that, management witness in the enquiry disclosed that sealed pack containing the entire cash paid instrument of 7th May, 1997 which was allegedly kept in the Dai Box by Zepele was found missing. So all this is not disclosed by leading any evidence to throw light on the fraud but the Bank suppressed it at the Branch level itself and accountability for loss of cash paid instrument has not been fixed on any one. For all this Shivnani alone cannot be held responsible. In the domestic enquiry witness of the Management, Chief Manager of the Khand Bazar Branch, has stated that cheque book, bearing Nos.844001 to 844050 was not issued to any of the constituents of the Bank and the cheque book was missing from the stock of the cheque books. It is also recorded in the domestic enquiry that, cheque used is one of the leave of the missing book. It is also brought on record in the domestic enquiry that, there is lengthy procedure for custody and issue of cheque books in the Bank. General Secretary raised question as to how stolen cheque book by passed all such procedure and one of its leaf got passed through the computer and verification process at various levels before payment of the said instrument was made which create a strong suspicion against all. Besides witness No.3 whose evidence was recorded was second signatory for verification and cancellation of the payments of the cheques stated that, he had never seen the cash instrument, Mr. Jitekar in the enquiry stated that, cheque was perfectly in order in all respects and duly cancelled by the first and the second signatory for making payment. All this reveals that, there was nothing safe in Khand Bazar Branch of the Bank and as such Shivnani cannot alone be held responsible for missing of the said token. It is further stated by the General Secretary that the Enquiry Officer pointed out that officers of the Branch have utterly failed to follow proper procedure and accepted procedure and system. In that case it is also stated by the General Secretary that, that

all those facts have emerged from the enquiry proceedings and it is revealed that, Cheque No. 8440083 for 1.5 lacs is one from the Cheque Book which is not issued to any constituents. It is alleged by the General Secretary that, culprit has managed to steal the cheque leaf from the Book taking advantage of improper control over the custody of the cheque book and the tokens. It is also alleged by the General Secretary that, procedure of safe keeping of the paid instruments by duly sealed and signed by both, the Head Shroff/Incharge of the Cash Department and Accountant of Branch, who signs the cash book balance, envelope in cash safe is also not followed properly in the said Branch. The General Secretary states that, under such chaotic state of affairs and unsafe situation prevailing at Khand Bazar Branch Shivnani alone cannot be held responsible. According to the General Secretary, finding of the Enquiry officer that there was casual approach of Shivnani to attend to his duties is not correct. Enquiry officer also observed that, Shivnani is responsible for missing of tokens is also not correct. The finding of the Enquiry Officer is not based on evidence. It is stated by the General Secretary that, Shivnani was not aware of the Token No.17 of its missing and misused by the culprit. According to General Secretary there was no opportunity to Shivnani to inform his colleagues or superiors or raise an alarm at that point of time regarding missing of Token No. 17 since he himself was not aware of it. Even there is no enquiry whose handwriting was on the reverse of the impugned cheque, no enquiry how the said cheque traveled and was passed was held. It is not the act of only Shivnani to encash the said cheque and clear Token No. 17 against said instrument. So it is submitted that, since Shivnani has been made scapegoat for the commission and omission of others, cannot alone be held responsible for those charges and required to be punished. So it is submitted that, the punishment awarded of stoppage of three increments with cumulative effect be quashed and set aside.

3. This is disputed by the Bank by filing Written Statement at Exhibit 7 making out the case that, this Tribunal has no jurisdiction. That, the contents of the order of the Reference did not constitute the 'industrial dispute' under the Industrial Disputes Act, 1947. It is also stated that, union was not entitled to raise this dispute and represent the concerned Workman. It is stated that, the said Union is not registered one and as such has no locus standi to raise grievance of Shivnani. In fact Union has not challenged fairness and propriety of the enquiry. Union has only challenged the findings of the Enquiry Officer alleging its perversity. It is further stated by the Bank that, cheque of Rs.1.5 lacs was presented for payment on the counter of the said Branch. Said cheque was stolen from the stock of the missing cheque books of the said Branch and was not issued to the C.D. Account No.13105. Even said cheque was not entered in the scroll but was stamped as Token No. 17 and was fraudulently paid that being routed through the current Department of the Branch. It is alleged by the Bank that, Mr. Shivnani was assigned duties as the Scroll

clerk on the said date, after issuing Token No. 16 Shivnani left his seat for toilet. On returning back he observed that Token No. 17 was missing but he did not raise any alarm not brought this to the notice of his superiors but continued to issue tokens from 18 onwards and at the end of it, there was a difference of Rs. 1.5 lacs between cash payment registers and scroll book. When it was noticed at the end of the business hours the entry of token No. 17 was entered in the scroll book and scroll book was tallied for that day. According to the Bank, fraud was detected on the next working day i.e. on 9th May, 1997 when the Day Book Department found the difference of Rs. 1.5 lacs since the said cheque was not posted in the Current Deposit Ledger. According to Bank, cash paid instruments when sought were found missing from the Bank. It is also stated by the Bank that, the fraud belonged to unused cheque book which was missing from the cheque series ones. According to Bank, had the concerned Workman Shivnani brought the fact of missing of Token No. 17, which has not been scrolled, immediately on his coming to know about the same fraudulent encashment of the cheque could have been averted since Token No. 17 was obtained against cheque in the morning, as is observed from the time of issuing Token No. 16 and 18 and the payment of the same was made only at 2.20 p.m. to the person who presented the same at the cash payment counter by which time the fraud could have been detected and the Bank would not have incurred monetary loss in that behalf. It is case of the Management that, before enquiry was conducted against Shivnani and against Panjwani, Head Cashier of the said Branch, after recording evidence the Enquiry Officer observed Shivnani guilty of the charge of missing of Token No. 17 it is stated that, his finding is not perverse and 1st Party be permitted to lead evidence to prove the charges leveled against the concerned workman if it is observed it is not sufficient. It is stated that, three punishments have not been given to the concerned Workman as claimed by the General Secretary. Punishment is of stoppage of 3 increments which is one only. The punishment given is not of the serious nature, if compared with the nature of charge proved against the concerned Workman. Said punishment is available against the charge of gross misconduct because of the concerned Workman Bank suffered loss of Rs. 1.5 lacs. The charge of negligence was proved against the concerned workman. Even charge of not taking proper care was also proved against the concerned workman and according to the Bank, the charge of loss to the Bank of Rs. 1.5 lac is also proved against the concerned Workman, since he has not taken proper care and at that moment punishment awarded is just and proper and does not require any interference.

4. In view of the above pleadings following Issues were framed at Exhibit 14, out of which Issue Nos. 1 to 4 which are treated as preliminary Issues are answered as follows:

ISSUES	FINDINGS
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- | | |
|--|-----|
| 1. Whether reference in the present form is tenable? | Yes |
| 2. Whether this Tribunal has Jurisdiction to adjudicate the subject? | Yes |
| 3. Whether enquiry was fair and proper? | Yes |
| 4. Was finding perverse? | No |

ISSUE NO. 1:

5. 1st Party challenged the Statement of Claim filed by the General Secretary of the Union making out the case that the Union is not the registered one. Union has no locus standi to espouse the cause and file Statement of Claim for the concerned Workman. As far as these objections are concerned we find those are not seriously challenged in the evidence. There is an affidavit of the concerned Workman in lieu of the examination in chief at Exhibit 17 and made out the case how dispute was raised. It is a matter of record that, the General Secretary is not examined in this case. No specific case is made out by the Bank as to how the General Secretary cannot file the Statement of Claim or participate in the dispute raised by the Union pertaining to the concerned Workman. Even argument is not advanced in that respect and only allegations are made in the written statement by the Bank. On the basis of the pleadings, Issue to that effect is framed. Since it is framed my answer to it is in the "affirmative" and observe reference is tenable and Union has locus standi to raise the said cause.

ISSUE NO. 2:

6. This Issue is framed on the basis of the pleadings of the Bank where Bank has stated that, this tribunal has no jurisdiction since dispute raised is not industrial dispute. Again on that though dispute is raised it is not pointed out that, as to how, this Tribunal has no jurisdiction. Even in the arguments no specific case is made out though both have filed the written arguments at length, more precisely by the 1st Party who has filed its written arguments at Exhibit 22 and also argued orally. Bank has referred to a number of citations which are on the point of domestic enquiry. They have not touched this point of jurisdiction. Besides dispute is referred by appropriate Government and it is not challenged in that absence so I observe that, this Tribunal has jurisdiction and answer issue to that effect.

ISSUE NO. 3 & 4:

7. For these Issues burden is on the 1st party to show that, how enquiry is fair and proper and how finding not perverse. At the same time burden is on the 2nd Party to show that, how enquiry is not fair and proper and how finding not perverse. Again for that if we peruse the pleadings of the concerned Workman and evidence lead by affidavit which is filed at Exhibit 17 we find, he narrated all the things and when the question was put by the

Advocate of the 1st Party on the point of enquiry. He admits that, he was charge sheeted. He states that, his Statement of Claim is silent regarding fairness of the enquiry and violation of the principles of natural justice while conducting enquiry. He admits that, enquiry proceedings were recorded in his presence. He admits that, whatever was written by the Enquiry Officer was written as per its happenings. He admits that, documents were provided by the Management. He admits that, witnesses examined by the Management were made available for his cross. He admits that, his Defence Representative did not depose properly on his behalf before the enquiry. According to him, his representative did not defend his case properly so he claimed that, enquiry is not fair and proper. Even he admits that, he has not made out that type of case in the Claim Statement. Even he admits that, he did not complained any where regarding the role played by his Defence Representative in the enquiry. So his allegation is that, his representative did not represent him properly in the enquiry. If that is so, then how for that Management can be held responsible or the Enquiry Officer can be blamed? Nowhere he states that, opportunity was not given to him, nowhere he states that, he was not heard. Nowhere he states that, he demanded particular documents but were not made available. Nowhere he states that, witnesses were not made available for cross. The only grievance of the concerned Workman is that, his representative did not represent him properly in the enquiry. So in my considered view, for that allegation, the Management or Enquiry Officer cannot be held responsible. Besides for that, enquiry cannot be observed not just and proper. It was his duty to select particular representative who can defend him properly. If at all he was not having such a Defence Representative, he ought to have approached the Management and ought to have sought help of the Management in that regard. It did not happen. Enquiry proceedings are placed on record by the Management with Exhibit 13. It reveals that, 2nd Party participated in the enquiry. He signed the proceedings Even 2nd party admits that Enquiry Officer recorded the proceedings as it happened. So when that is there, how it can be observed that, enquiry is not fair and proper. There is the finding of the Enquiry Officer. It runs in 13 pages. If we go through it we find Enquiry Officer tried to project the case of both and tried to draw evidence on the allegations leveled against the concerned Workman. He considered all the evidence placed before him through witnesses. Even he considered the number of documents and the role played by the concerned workman. He considered the facts brought on record by the Management during that relevant period. So, all this reveals that, Enquiry Officer was having evidence to give finding.

8. As stated above number of citations are placed on record by the 1st and the 2nd Party's Advocate with their written arguments. Citation published is 1963 II LLJ page 367 where it is observed by the Apex Court that, where proper domestic enquiry does not get carried out

before the termination of an employee, then in that case the Tribunal has the power to ignore the findings of the domestic enquiry. It is to be noted that, it is not shown as to how the ratio laid down by the Apex Court in deciding the said case of *Sur Enamel and Stamping Works (P) Ltd. V/s Their Workmen* help the concerned employer in case of enquiry. Another citation referred by the 1st Party's Advocate Published in AIR 1979 (SC) page 1652 (*Shankar Chakravati v Britannia Biscuit Co. Ltd.*) which is on the point of hollow plea of employer on alleged denial of an opportunity to substantiate the alleged misconduct of the Workman by evidence alinude has been responsible for dragging a tiny dispute rendering the workman jobless for an unusually long period of more than 7 years has no meaning. Again here facts of that case are different than the facts of this case and as such said facts does not permit us to apply to that issue hand of in this case. Citation relied upon by the 1st Party published in AIR 1963 (SC) page 1756 (*P.H. Kalyani Vs M/s. Air France*) is also on the different footing as in that case *Shri Kalyan* challenged the order of the Labour Court. In our case, dismissal order is under challenge. Citation referred by 1st Party, produced pages 23 to 32 from printed copy of Supreme Court judgement, given in *Central Bank of India Vs. Ptakash Chand Jain* which is also on different footing and on different facts than the facts of this case. Citation referred, published in AIR 1966 (SC) page 1669 (*State Bank of Patiala and ors. Vs. S.K. Sharma*) there also facts are different than the facts of this case. Citation published in AIR 1965 SC page 155 (*Tata Oil Mills Co. Ltd. Vs Its workmen*) is also on the point of punishment which is not applicable at this stage. 2nd Party also placed reliance on a number of citations, published in 2001 I LLJ (SC) page 157 (*Union of India Vs. K.A. Kittu and Ors.*) where evidence of witnesses was not considered by the Enquiry Officer. In that case it was observed that, Enquiry Officer violated the principles of natural justice. Whereas in our case it is not the case of the concerned Workman that, evidence of the Workman was ignored. He also placed reliance on citation published in 2001 II LLJ page 733 (*Bank of Baroda Vs. Virsan Santuram Pradhan and anr.*) where opportunity was not given to the Workman in that, case it was observed that, enquiry vitiated, but in our case it did not happened. So also citation referred by 2nd Party published in 2001 (1) LLN page 693 (*Ms. Shireen Dubash and Air India Ltd. And anr.*) on the allegation that management has not examined the witnesses and in that case it was observed that, enquiry was not conducted by following principles of natural justice and it is pertinent to note that Workman examine the Customs Official and Inspector of Police to record their evidence on record. But in this case no such allegation is made by the 2nd Party.

9. So, if we consider all this coupled with the case made out by both, I conclude that, enquiry is fair and proper and finding not perverse. So I answer the above issues to that effect and passing the following order :

ORDER

- (a) Enquiry is fair and proper, finding not perverse,
 (b) Parties are directed to appear in Reference on the point of quantum of punishment.

Mumbai, A. A. LAD, Presiding Officer
 13th December, 2007

नई दिल्ली, 23 जनवरी, 2008

का.आ. 313.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स मेनेजेस एण्ड सन्स के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/40/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2008 को प्राप्त हुआ था।

[सं. एल-36011/5/2006-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd January, 2008

S.O. 313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/40/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai-II now as shown in the Annexure in the Industrial Dispute between the management of M/s Menezes & Sons and their workmen which was received by the Central Government on 23-01-2008.

[No. L-36011/5/2006-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL No. 2, AT MUMBAI**

(Camp: Goa)

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/40 of 2007

**EMPLOYERS IN RELATION TO THE
 MANAGEMENT OF M/S. MENEZES AND SONS,
 GOA**

The Proprietor,
 M/s. Menezes & Sons,
 11-16, Vishwambar Building,
 Ground Floor, Vasco-da-Gama, Goa-403802

AND

Their Workmen

The President,
 Mormugao Stevedores Staff Association,
 8C, Pt. Kosambi Building, Vasco-da-Gama, Goa-403 802.

APPEARANCES :

For the Employer : Mr. Tulsidas Narvekar, Advocate

For the Workmen : In Person

Date of passing of Award: 4th December, 2007.

AWARD

1. The Government of India, Ministry of Labour by its Order No. 36011/5/2006-IR (B-II) dated 02-08-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. Menezes & Sons, Goa in retiring Shri S.V. Kavthankar from employment w.e.f. 28-02-2006 is legal and justified? If not, to what relief are the workmen entitled?”

2. In pursuance of the reference, notice was sent to both. First party filed report at Exhibit-4 intimating that, dispute is settled out of Court.

3. Today both parties admitted the development reported at Exhibit-4 by which dispute between the parties have been settled. Since said is admitted by both, I accept it and pass the following order:

ORDER

In view of Ex-4,, reference is disposed of.

A. A. LAD, Presiding Officer

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT**

NO. 2 MUMBAI.

REFERENCE No. L-36011/5/2006-IR(B-II)

The President,

Mormugao Stevedores Staff Association,
 8C, Pt. Kossambi Building, (Ground Floor)
 Vasco-dagama-Goa

Party No.1

V/s.

The Proprietor,

M/s. Menezes & Sons,

11-16 Vishwambar Building, Ground Floor
 Vascodagama-Goa

Party No.2

WRITTEN STATEMENT OF PARTY NO. 2

MAY IT PLEASE YOUR LORDSHIP :

1. Party No. 2, Proprietor of M/s. Menezes & Sons, submits that after submission of failure report by the Asst. Labour Commissioner (Central) Vascodagama-Goa, both parties to the Industrial Dispute arrived at a Memorandum of understanding on the 31st July, 2006 whereby the dispute was amicably settled on the following terms :—

"The following understanding arrived at between the Management of Menezes & Sons and Mormugao Stevedores Staff Association, representing the employee Shri S.V. Kauthanker, Foreman, on 31-7-2006 in considering his date of birth as 10-2-1950 thereby he could retire from the services of the Management on attaining the age of superannuation from 28-2-2008, which matter has been referred to the Ministry of Labour, New Delhi vide failure of conciliation report dated 28th April, 2006 by ALC(C), Vasco da Gama.

Both parties discussed the subject matter and finally amicably settled the issue in considering Shri S.V. Kauthanker's date of birth as 10-2-1950. The employee Shri S.V. Kauthanker has been allowed to join duty forthwith with existing service conditions. It has been agreed to treat the period from 1-3-2006 to 30-6-2006 as leave without pay and make payment for the month of July, 2006.

It has also been decided to request the Hon'ble Secretary GOI, Ministry of Labour, New Delhi, to drop the conciliation proceedings in the above case having settled the matter amicably between both the parties. In view of failure of conciliation report by ALC(C) dated 28-4-2006.

Dated this 31st July, 2006

Management of MENEZES & SONS	Mormugao Stevedores Staff Association,
SD/- (A. F. Menezes)	Representing Workman Sd/- (Anthony Fernandes) President (Andrew Alvares) General Secretary

Copy of the said Memorandum of Understanding is enclosed herewith for ready reference marked as Exhibit 'A'.

2. Party No. 2 states that consequent on arriving above amicable settlement both parties wrote to the Asst. Labour Commissioner(C), vide letter dated 25th August 2006 that the matter was settled and request him to take needful action so that conciliation proceedings are dropped enclosing therewith the copy of the settlement. A copy of the said letter is enclosed herewith marked as Exhibit 'B'.

3. Party No. 2 craves leave to amend above pleadings if found necessary in the interest of Justice.

4. In view of the above party No. 2 prays that the reference be dropped as the Industrial dispute no longer survives.

Vasco da gama-Goa

10th day of September, 2007

Management of
M/s. MENEZES & SONS
(A.F.MENEZES) Proprietor

VERIFICATION

I, A.F. Menezes, Proprietor of M/s. Menezes & Sons, Vasco da gama, do hereby solemnly affirm and verify that what is stated by me in para 1&2 above is true to my own knowledge.

Solemnly affirmed this 10th day of September, 2007 at Vasco da gama-Goa.

For M/s MENEZES & SONS

Doponent

EXHIBIT 'A'

MEMORANDUM OF UNDERSTANDING ARRIVED AT ON 31ST JULY, 2006 BETWEEN THE MANAGEMENT OF MENEZES & SONS AND MORMUGAO STEVEDORES STAFF ASSOCIATION

The following understanding arrived at between the Management of Menezes & Sons and Mormugao Stevedores Staff Association representing the employee Shri S.V.Kauthanker, Foreman, on 31st July 2006 in considering his date of birth as 10th February 1950 thereby he could retire from the services of the Management on attaining the age of superannuation from 28th February 2008, which matter has been referred to the Ministry of Labour, New Delhi, vide failure of Conciliation Report dated 28th April 2006 by the ALC(C), Vasco da Gama.

Both the parties discussed the subject matter and finally amicably settled the issue in considering Shri S.V.Kauathankar's date of birth as 10-2-1950. The employee Shri S.V. Khauathankar has been allowed to join duty forthwith with existing service conditions. It has been agreed to treat the period from 1-3-2006 to 30-6-2006 as leave without pay and make payment for the month of July 2006.

It has also been decided to request the Hon'ble Secretary, GOI, Ministry of Labour, New Delhi, to drop the conciliation proceeding in the above case having settled the matter amicably between both the parties, in view of failure of conciliation report by ALC © dated 28th April 2006.

Dated this 31st July 2006 Vasco da Gama

Management of MENEZES & SONS (A.F.Menezes) Proprietor Date: 31st July 2006 Vasco da Gama	Mormugao Stevedores Staff Association representing the workman. (Anthony Fernandes) President (Andrew Alvares) General Secretary
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EXHIBIT 'B'

From: Management of Menezes & Sons

&

Mormugao Stevedores Staff Association,
Vasco da Gama.

25th August 2006

To

The Assistant Labour Commissioner(C),

Vasco da Gama

Sub: I.D. between the Management of M/s. Menezes & Sons and Mormugao Stevedores Staff Association regarding superannuating the services of Shri S. V. Kauthankar w.e.f. 28th Feb. 2006,

Ref: Your Conciliation report No. VA-6(20)/05-06 dated 28th April, 2006.

Sir,

The subject matter has been referred by your goodself to Hon'ble Secretary, Government of India, Ministry of Labour, office vide failure of conciliation report under reference dated 28th April 2006.

In the meantime, joint discussion was again held between both the parties on 31-7-2006 and finally amicably settled the issue considering Shri S.V. Kauthankar's date of birth as 10th February 1950 thereby the said employee will retire from the services of the Management on attaining the age of superannuation from 28th February 2008.

In view of the above, now therefore both the parties request your goodself to kindly do the needful in this regard so that the conciliation proceeding are dropped in the above case, having mutually settled this issue vide MOU dated 31-7-2006 copy enclosed.

Thanking you,

Yours faithfully

Management of Menezes & Sons

(A.F.Menezes) Proprietor

Mormugao Stevedores Staff Association Representing the Employee

(Anthoni Fernandes) President
(Andrew Alvares) General Secretary

नई दिल्ली, 23 जनवरी, 2008

का.आ. 314.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.2, मुम्बई के पंचाट (संदर्भ संख्या 2/74/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2008 को प्राप्त हुआ था।

[सं. एल-12012/124/2002-आई.आर.(बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd January, 2008

S.O. 314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 2/74/2002 of the Central Government Industrial Tribunal-cum-Labour Court No. 2 Mumbai as shown in the Annexure in Industrial Dispute between the management of Canara Bank, and their workman, received by the Central Government on 23-01-2008.

[No.L-12012/124/2002-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 MUMBAI

PRESENT:

A. A. LAD, Presiding Officer

REFERENCE NO. CGIT-2/74 OF 2002

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF CANARA BANK

The Deputy General Manager,
Canara Bank, North Circle Office,
112, Sion Koliwada Road,
MUMBAI-400 022

... 1st Party

AND.

Their Workman,

Sh. Kishore Pandurang Pagare,
4, Nishant Apartment,
Near Mahindra House,
Ashwin Nagar, CIDCO,
NASHIK (MAH.) 422 009

... 2nd Party

APPEARANCE:

FOR THE EMPLOYER: Mr.S.V. Alva Advocate

FOR THE WORKMEN: Mr.M.B.Anchan,
Advocate.

Date of reserving Award: 7th September, 2007

Date of Passing of Award: 16th November, 2007

AWARD

The matrix of the facts as culled out from the proceedings are as under :

2. The Government of India, Ministry of Labour, New Delhi, by its Order No. L-12012/124/2002-IR(B-II) dated 23rd October, 2002 in exercise of power conferred by Clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Canara Bank to treat the services of Shri Kishore Pandurang Pagare as voluntarily retired w.e.f. 8-2-1997 is justified and legal? If not, what relief the concerned Workman is entitled to?

3. To support the subject matter in the reference 2nd party filed the Statement of Claim at Exhibit 6 making out the case that, he joined 1st Party on 5th May, 1980 and on 8th February, 1997 he was voluntarily retired by the 1st Party without any justification.

4. 2nd Party fell sick on 30-4-1996 and did not report on duty. When he informed to the Bank, no reply was given by the Bank to it. When he reported for his duties on 5th May, 2000 he was informed that, he was treated voluntarily retired. According to 2nd Party, decision taken by the 1st party in retiring him without following due process of law is not just and proper. No notice was given. No enquiry was conducted. No any charges were leveled against him, still he was retired. 17 years service was at his credit, when he was voluntarily retired from his services. So it is submitted that, decision taken by the 1st Party voluntarily retiring 2nd Party with effect from 8th February, 1997 be quashed and set aside with the directions to reinstate him with benefit of back wages and continuity of service.

5. This is disputed by the 1st Party by filling written statement at Exhibit 8 stating and contending that, the dispute is raised by the concerned workmen after five years. No reason is given as to why he is late in bringing the dispute and challenging the decision taken by the 1st party of voluntarily retiring him from the employment. 2nd Party did not report on duty even on a number of occasions he was intimated. Even he did not report after October, 1996. As per Bi-partite settlement, after intimating him to report on duty, action was taken up deciding he retired voluntarily from the employment is just and proper and does not require any interference. So it is submitted that, the decision taken by the 1st Party in treating him voluntarily retired from the employment need not be disturbed.

6. In view of above pleadings, my Ld. Predecessor framed Issues at Exhibit 16 which I answer as follows:

ISSUES	FINDINGS
1. Whether the reference suffers from delay and latches?	Yes
2. Whether the workman proves that he was retrenched without complying the provisions of the Industrial Disputes Act?	No
3. Whether the action of the Management of Canara Bank to treat the services of Shri Kishore Pandurang Pagare as voluntarily retired w.e.f. 8-2-1979 is Justified and legal?	Yes
4. What relief the workman is entitled to?	Does not survive

REASONS :

ISSUE NO. 1 :

7. By this reference, Government of India, Ministry of Labour, New Delhi, sent dispute of 2nd party Workman which is raised by him about his 'voluntary retirement' from the employment of the 1st party with effect from 8th February, 1997.

8. To prove that, 2nd Party relied on his affidavits filed at Exhibit 21 whereas 1st party at filed affidavits of

two witnesses at Exhibit 26 and 30. In the cross 2nd party admits that, he was admitted in the hospital for 3 weeks from 30th April, 1996. He admits that, he has given medical report to show his admission in the Hospital from 30th April, 1996. He admits that, he has not intimated about that report to the Bank. He also admits that, he cannot produce said medical papers to show that, he was sick and admitted in the Hospital. Even he is unable to state, how many days he was advised to take rest. Even he is unable to state, which was the last month, in which he got his salary. He admits that, he did not write to Bank about his not coming from May 1996. He is unable to state whether, he has intimated his change of address. He admits that, he never approached the Bank between 30th April, 1996 to 4th May 2000. He also admits that, he never met with his colleagues during that period. He states that, he obtained house loan and has cleared it in 1998 to the tune of Rs. 98,700. that too by paying it in a stroke. So from this it is clear that, he did not intimate Bank nor visited Bank after 30th April, 1996. 1st party's witness produced number of correspondence addressed to the 2nd party sending it at the work place i.e. at Satpura Branch, Nashik. It is pertinent to note that, these letters are addressed to Satpura Branch who was instructed to serve on Workman. It is the case of the 1st party that, all these letters were tried to be served on 2nd party, at his last known address but they were unable to trace 2nd party at his last known address, Even 2nd party admits that, he had not intimated change of his address. The number of documents produced by the Bank at Exhibit 20 which are denied by the 2nd party shows that, he did not received it. Even it is not the case of the 1st party that, they were served on 2nd party.

9. Case of the 1st party is that, they were sent to the Satpura Branch to serve on 2nd party but the said Branch unable to serve on him because address of the 2nd party was not traceable. In that, admission given by the 2nd party that, he did not intimate change of address and has not contacted Bank after 1996, definitely leads to conclude that, it is 2nd party who suo moto did not take proper care to maintain his relations with the 1st party as an employee. If at all he was interested in remaining in the service of the bank, one expects that, he ought to have informed the Bank, visited the bank and ought to have approached the bank to permit him to report on duty. On the contrary he admits that, he did not report to the Bank and for the first time on 5th May, 2000 he had approached the Bank and raised the dispute. For aforesaid reasons, definitely the Bank has an option to treat 2nd party having voluntarily retired. Even there is Bipartite settlement and copy of it is produced by the Bank with its arguments filed at Exhibit 33, As per Clause 17 of Bipartite Settlement, if any employee remains absent from work for a period of more than 90 days without submitting application or without seeking extension of leave, then employer has a right to treat such an employee has voluntarily retired and in that case enquiry is not

necessary. Even citation produced of Apex Court published in 2000 ILLJ page 1630 (Syndicate Bank vs Syndicate Bank Staff Association) reveals that, when employer has followed the procedure as per the Bipartite Settlement, before deciding the concerned Workman has voluntarily retired from services, in that case, enquiry is not necessary. In the case at hand, also we find that, the correspondence referred above Bank tried to contact 2nd party Workman. Admittedly those were not served on 2nd party but those were sent to Satpura Branch Manager, Nashik. Those are produced here unserved. Even 2nd party admits that he has not contacted Bank and did not even intimated his change of address which reveals that, 1st party acted as per the Bipartite Settlement and concluded that 2nd party not interested in the employment and treated him as voluntarily retired cannot be treated a decision against policy, that decision was taken in the year 1997 itself. When 2nd party did not report and enquire with the Bank upto 5-2-2000 and raised this dispute after 4 years of his absentee from the employment. Said delay is not explained as to why he was not able to raise dispute immediately after 1997. Even he has not given details of his sickness which prevented him to report and does not permit him to attend duty. Even he has not disclosed what type of medicines were taken by him and how many days he took rest and by which disease? On this entire query, 2nd party is silent. So there are laches and delay which definitely comes in the way of the 2nd party. From this one did not find that, he was sincere and had sufficient opportunity but unable to utilized it. On the contrary it reveals that, he shown his lethargy and negligence towards the job. Definitely it at all, he was interested in the job he might not have remained out of contact from the Bank for four years. But in the instant case this person remains out of contact and job of the Bank for four years and then all of a sudden raise a dispute about his so called, decision taken by the 1st party treating him as "Voluntarily Retired" from the employment. When 2nd party did not report and work, option remains with the 1st party to treat him as not interested in the job, in the employment and has taken voluntary retirement. So I conclude that, delay and laches did not permit 2nd party Workman to create a dispute about the decision taken by the 1st party about his voluntary retirement.

ISSUE NO. 2:

10. 2nd party alleges that, the said decision was taken without following due process of law. As discussed above, as per Bipartite settlement 1st party tried to send notices. Those were not served on him because, he had not intimated the change of his address. Head Office Branch sent letters to Satpura Branch, Nashik to serve those on 2nd party. Those correspondence are produced by the Bank with Exhibit 20. Authenticity of the documents cannot be denied. Its existence is also not challenged by the 2nd party. In that case, certainly question arises as to why the

Bank should do that? There is no enmity between the Bank and this person. When there was no enmity, no other reason in creating such documents is projected then what meaning can be drawn from this correspondence produced at Exhibit 20? According to me, answer is that, Bank acted in routine course, Bank tried to intimate 2nd party as per Bipartite Settlement. All this reveals that, when it was unable to trace the 2nd party, it treated 2nd party voluntarily retired and even that notice was tried to be served on him. But it is the 2nd party who when did not inform his changed address 1st party, is unable to serve it on 2nd party. So all this reveals that, it is the 2nd party who is responsible for all that. Besides what more steps are required to be taken by the 1st party in that cineara? No specific case is made out on that. The case made out by the 2nd party that, no notice is given, no charge sheet was given, no enquiry was conducted and action taken was without following due process of law has no meaning in the light of the documents produced by the bank with Exhibit 20. So I conclude that, 2nd party fails to prove that Bank has not taken appropriate steps before taking decision of voluntary retirement.

ISSUES NO. 3 :

11. On the basis of that Bank decided to treat 2nd Party as voluntarily retired with effect from 8th February, 1997. This decision was taken after making efforts of serving notices and correspondence filed at Exhibit 20 and even as per Clause 17 of the Bipartite settlement there is an option with the Bank which is not challenged by the 2nd Party Workman. When there is provision in which way in such circumstances and situation the Bank has to act upon and when acted upon, in my considered view, the decision taken by the Bank in treating 2nd party voluntary retired w.e.f. 8-2-1997 does not require any interference and require to treat it as just and proper. So I answer this Issue to that effect.

12. In view of the discussions made above I conclude that, the dispute raised by the 2nd party has no force and hence the order.

ORDER

Reference is rejected with No order to its costs.

Mumbai,

A. A. LAD, Presiding Officer

16th November, 2007

नई दिल्ली, 23 जनवरी, 2008

का.आ. 315.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 30/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-1-2008 को प्राप्त हुआ था।

[सं. एल-12012/27/2005-आई आर (बी-11)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 23rd January, 2008

S.O. 315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/2005) of Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute, between the management of Bank of India, and their workman, received by the Central Government on 23-01-2008.

[No. L-12012/27/2005-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 2nd January, 2008

PRESENT

Shri A. R. SIDDIQUI, Presiding Officer

C.R. No. 30/2005

I PARTY

Shri N.C. Narayana Swamy,
162, Srinidhi, 10th Cross
Soudhamini Layout, New
Bank Colony,
Konanakunte,
BANGALORE-560002

II PARTY

The Zonal Manager,
Bank of India,
Zonal Office,
Karnataka Zone,
No. 11, K.G. Road,
Bank of India Buildings,
BANGALORE-560009

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* order No. L-12012/27/2005-IR (B-II) dated 16th June, 2005 for adjudication on the following Schedule:

SCHEDULE

“Whether the management of Bank of India is justified in Compulsorily Retiring Shri N.C. Narayanaswamy, Clerk, from service w.e.f. 31-03-2004? If not, to what relief the said workman is entitled?”

2. A charge sheet dated 11-12-2003 said to have been acknowledged by the first party on 07-01-2004 issued, alleging that he was on unauthorised absence without intimation since 15-09-2003 till 11-12-2003 amounting to gross misconduct in terms of Para 5 (p) of Memorandum of Settlement dated 10-04-2002, in other words, he remained unauthorisedly absent from duty continuously for a period exceeding 30 days which constitutes gross misconduct under the aforesaid terms of memorandum of settlement. Simultaneously, enquiry proceeding were initiated against the 1st party appointing the Enquiry Officer and

after due notification of the enquiry date, enquiry was taken up participated by the first party taking the assistance of DR and it is on the conclusion of the enquiry proceedings, enquiry report at Ex. M7 was submitted on 09-02-2004 holding the first party guilty of the aforesaid charges of misconduct. Based on the said enquiry report, the Disciplinary Authority sent the report to the first party seeking his explanation on the findings given by the enquiry officer and thereupon he was served with show cause punishment notice dated 17-03-2004 proposing the punishment of compulsory retirement from the services of the bank with superannuation benefits. The first party submitted his written submission on 24-03-2004 and his explanation not being found satisfactory, punishment proposed was confirmed retiring the first party from the services of the bank compulsorily with superannuation benefits. The first party appears to have challenged the punishment order before the conciliation authority concerned resulting into the present proceedings.

3. In his claim statement before this tribunal, the first party at paras 2 & 3 averred that he had been working with second party management bank sincerely discharging meritorious work with all diligence and taking into consideration his meritorious work he was taken to Regional Office in the year 1984 from Koppal branch and was retained there up till 1996, during which period solely due to his commitment to duty, integrity, hard work knowledge and application of mind, he proved himself indispensable to the bank at Regional Office and he maintained an unblemished service record in his entire service. After 12 years of his service he was posted to Bangalore SSI branch of the bank and worked there upto August 2000. The first party then gave various instances as to how he mobilized the funds for the bank for crores of rupees due to his hard work and commitment to duty. His next contention relevant for the purpose is that after he was transferred to Davengere branch in the month of May 2003 he worked there for a month and then proceeded to Bangalore. He fell sick on account of hectic journey and then applied for leave for 3 weeks sending his application dated 18-09-2003. However, he was surprised to receive a communication on 22-10-2003 from the branch indicating his unauthorised absence which communication he received on 38th day from the date of proceeding on joining time, where under there was no mention of his leave application. Though he was unwell, suspecting some foul play and after consulting the Doctor he reported for duty on 07-01-2004 and on the same day submitted the medical certificate-cum-fitness certificate issued by the Doctor. Therefore, there arose no question of remaining absent from duty, nauthorisedly. The first party then referred to the enquiry proceedings conducted against him challenging the same on the ground that he was not given sufficient and reasonable opportunity to defend himself and that the evidence produced during the course of

enquiry itself disclosed that he had submitted the leave application as well as the medical certificate and therefore, the proceedings of the enquiry conducted against him suffered from violation of the principles of natural justice, the findings suffered from perversity and in the results, punishment order passed against him by the Disciplinary Authority was bad in law. He requested this tribunal to pass an award reinstating him in service with benefit of continuity of service, full back wages and other consequential benefits.

4. The management by its counter statement, while, denying the contention of first party that he was not given sufficient opportunity to defend himself during course of enquiry, further contended that in the statement of MW1 examined during the course of enquiry, it was very much brought out that the first party remained absent from duty unauthorisedly without any intimation to the authority concerned and therefore, on the basis of the evidence produced during the course of enquiry, the enquiry officer rightly held him guilty of the charges and in the result the impugned punishment order passed by the Disciplinary Authority was legal and justified under the facts and circumstances of the case.

5. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry proceedings this tribunal on 10-03-2006 framed the following preliminary issue:

“Whether the Domestic enquiry conducted against the first party by the second party is fair and proper.”

6. During the course of trial of the said issue, the management examined the enquiry officer as MW1 and got marked 7 documents at Ex. M1 to M7 including the enquiry proceedings and the enquiry findings. The first party by way of rebuttal examined himself and it is after hearing the learned counsels for the respective parties, this tribunal by order dated 17-04-2007 recorded a finding on the above said issue to the effect that the DE conducted against the first party by the second party is fair and proper. Thereafter, the first party again examined himself on the point of alleged victimisation and produced one document at Ex. W1 namely, the show cause notice of punishment dated 27-11-2006 issued to one Mr. V. Ravishankar, the sub staff of SSI branch to show that on three occasions the said sub staff though remained absent from duty for a period of 63 days, 40 days and 156 days, but was punished only with minor penalties but in his case the management adopted different yardstick and passed the impugned punishment of compulsory retirement from service by way of victimisation. Thereupon, I have heard the learned counsels for the respective parties on merits of the case and posted the matter this day for award.

7. Keeping in view the finding recorded by this tribunal to the effect that the DE conducted against the first party is fair and proper, the only two important points now to be considered would be—

(i) Whether the findings of the enquiry officer suffered from any perversity and

(ii) If not, the impugned punishment order was disproportionate to the gravity of the misconduct committed by the first party.

8. Learned counsel for the first party, vehemently, argued that the charge of unauthorised absence from duty has not been substantiated during the course of enquiry as in the statement of management witness, itself, it has been brought out that the first party had submitted his medical certificate when he joined the duty on 07-01-2004. His next contention was that as per Ex. D1 the Xerox copy of the leave application produced during the course of enquiry it is made clear that the first party had applied for sick leave for a period of 3 weeks as on 18-09-2003. Therefore, he contended that when the leave application was sent well within time and the first party reported his duty along with medical certificate, the enquiry officer was wrong in coming to the conclusion that it was the case of unauthorised absence. His next contention as far as the quantum of the punishment was concerned was that for similar misconduct of unauthorised absence in the case of a sub staff vide Ex. W1 the management on three occasions took lenient view by imposing minor punishments and whereas, in the case of the first party even if he remained unauthorisedly absent from duty only on one occasion, he was punished with severe punishment of compulsory retirement from service and therefore, it was a case of discrimination and victimisation.

9. Whereas, learned counsel for the management argued that undisputedly, the first party remained absent from duty without prior permission and without sanction of any kind of leave and it is only on 07-01-2004 he reported for duty along with the medical certificate and therefore, it cannot be said that his absence from duty was not unauthorised one and that he was justified in remaining absent from duty as he produced the medical certificate while reporting for duty. With regard to the quantum of the punishment, the learned counsel submitted that remaining absent from duty unauthorisedly for a period exceeding 30 days amounts to gross misconduct and therefore, the management was justified in getting rid of his services by passing the impugned punishment order.

10. On going through the enquiry findings as well as the impugned punishment order passed by the Disciplinary Authority, I do not find substance in the arguments advanced for the first party that his conduct in remaining absent from duty for the period in question did not amount to any misconduct for the reason that he submitted medical certificate while reporting for duty. Undisputedly, he reported for duty on 07-01-2004 i.e. subsequent to the period of his alleged unauthorised absence as mentioned in the charge sheet. Whether the first party submitted any leave application as per Ex. D1, the Xerox copy of which was produced during the course of

enquiry and this leave application in fact was received by the management is not proved by the first party by any convincing evidence. Merely because he filed some Xerox copy of such an application, it cannot be said that he in fact had sent such leave application to the management, particularly when the management witness examined during the course of enquiry in no uncertain terms has stated that the bank did not receive any communication from the first party during the period he was absent from duty. Even assuming for a moment that said application was sent by the first party to the management bank, it is to be noted that as per the said application he was suffering from some back pain which certainly cannot be said to be a serious ailment preventing the first party from attending duty of atleast visiting the bank and then making a fresh leave application seeking leave on medical ground, particularly, when he came to know that his earlier said application at Ex. D1 was not received by the management bank. Secondly, there is no denial of the fact that the first party remained absent from duty atleast without getting the leave sanctioned. He cannot be take rest content by just sending an application without ascertaining the fact as to whether his leave applied was sanctioned or not particularly, as noted above, when he was not suffering from a serious illness preventing him from visiting the bank. In the result there appears to be no legal or factual defect committed by the enquiry officer in coming to the conclusion that the first party committed the misconduct of remaining unauthorisedly absence from duty for the period in question. The evidence produced during the course of enquiry appears to be very much sufficient and legal leading to the conclusion arrived at by the enquiry officer. Therefore, it is to be held that findings of the enquiry officer suffered from no perversity.

11. Now, coming to the question of quantum of the punishment. Certainly as argued for the first party he deserved no such severe punishment having regard to the undisputed fact that the misconduct of unauthorised absence committed by him was for the first time and that in past he did not commit any such misconduct. The fact that the first party discharged his duties sincerely with full devotion to his work and was responsible for mobilization of heavy deposits during the services rendered by him again has not been disputed by the management. This fact has not been taken into consideration by the Disciplinary Authority while imposing the punishment. It is also now brought on record that a sub-staff of the management bank was involved in the misconduct of unauthorised absent on three occasions as could be read from the documents at Ex. W1, was awarded minor penalties and it is only on the 4th occasion he was proposed with punishment of compulsory retirement from services. Therefore, having regard to the above factors, the fact that in the instant case unauthorised absence of the first party was hardly for 3 months, not ignoring the fact that he reported for duty along with the medical certificate and also taking into

account his unblemished service throughout the period till the date of issuance of the persent charge sheet, it appears to me that punishment of compulsory retirement from service imposed upon the first party bordered on extremity, not proportionate to the gravity of the misconduct committed by him. It is under these facts and circumstances of the case, it will be in the interest of justice if the impugned punishment is replaced with the punishment of denial of back wages from the date of impugned punishment order till the date of his reinstatement in service along with all other consequential benefits including the continuity of service. Hence the following award :

AWARD

The management is directed to reinstate the first party into its services without any back wages from the date of the original punishment order till the date of his reinstatement, however, with all consequential benefits including the benefit of continuity of service. No costs.

(Dictated to PA transcribed by her, corrected and signed by me on 2nd January, 2008)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 24 जनवरी, 2008

का.आ. 316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स कन्टेनर कोरपोरेशन आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 109/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-2008 को प्राप्त हुआ था।

[सं. एल-41012/204/2000-आईआर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2008

S.O. 316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.109/2000) of Central Government Industrial Tribunal No. 2, Mumbai. as shown in the Annexure, in the industrial dispute between the management of Container Corporation of India, and their workman, received by the Central Government on 24-01-2008.

[No. L-41012/204/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II AT MUMBAI PRESENT

A. A. LAD, Presiding Officer

REFERENCE NO. CGIT-2/109 of 2000

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF M/S. CONTAINER CORPORATION OF INDIA**

The Chief General Manager,
M/s. Container Corporation of India,
5th floor, New Administrative Bldg;
Central Railways, D.N. Road,
Mumbai-400 001

...First Party

AND

Their Workman,
Shri Santhyavan Dhasrat Parker,
C/o Raghunath A. Botale,
Chauhan Chawl, Darava Nagar,
Vakola Bridgre, Santacruz (E),
Mumbai-400 001

...Second Party

APPEARANCE

For the Employer : Mr. B.J. Sawant, Advocate.

For the Workman : Mr. B.D. Birajdar, Advocate

Date of reserving Award : 6th September, 2007

Date of Passing of Award : 27th November, 2007

AWARD

The reference is sent to this Tribunal by the Under Secretary of Central Government of India, Ministry of Labour by its Order No.L-41012/204/2000-IR(B-I) dated 25th October, 2000 in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 to decide :

"Whether the action of the Management of M/s. Container Corporation of India, Mumbai by terminating Shri Santhyavan Dhasrat Parker from the services of the Company is justified ? If not, what relief the applicant is entitled?"

2. To support the subject matter referred in the reference, Second Party filed the Statement of Claim at Exhibit 5 making out the case that, he joined the 1st Party as a Security Guard in January, 1991. He worked sincerely with 1st Party. There was the direct relationship of 1st Party with Sea Port Container Terminal Private Limited, Indira Rashtriya Kamgar Sahakari Society Ltd. and Watch Well Ship Shore Container Services. According to 2nd Party he was posted at Indira Rashtriya Kamgar Sahakari Society Ltd. where 1st Party employer and Sea Port Containers Terminal Pvt. Ltd. are carrying on their business activities. According to 2nd Party, "Watch Well Ship Shore Containers Services" which is only on record is a false and bogus agent. It is shown on paper as Agent but actually it does not function at ground level. To deprive the employees like 2nd Party bogus agency is created. 1st Party has created said agency to say that employee like 2nd Party Workman, is employed through it with 1st Party which is not correct and proper.

3. According to 2nd party, there were other Security Guards like 2nd Party Workman who were also posted at "Indira Rashtriya Kamgar Sahakari Society Ltd." Who are also directly working under the supervision of the officials and executives of the 1st Party employer. The signatures of the concerned Workmen were taken while paying their wages. It is not known to the Workman, which type of record is maintained by them. Workman was regularly submitting daily report of the work done by him to the Manager of the 1st Party. The Workman was wholly controlled and supervised by the Manager of the 1st Party and under the control and supervision of the 1st party and even one Shri Prakash Pednekar, the Manager of Indira. Rashtriya Kamgar Sahakari Society Ltd. was also supervising the work of the concerned Workman who was also supervising the work and looking after the day today business affairs of the 1st Party. According to the 2nd Party relations between the 1st Party employer and other three companies is not made known the concerned workmen including the concerned Workman. That the employment of the 2nd Party, with the 1st Party is shown through "Sea Port Containers Terminal Pvt. Ltd." and "Watch Well Ship; Shore Containers Services." The said Companies are bogus and are on record just to deprive the workmen to claim permanency and other benefits as applicable to regular employees. Even Identity Cards were provided by the 1st Party to work on the site of posting. They were doing 12 hours duty, but over time was not paid to them.

4. According to 2nd Party, all of a sudden he was asked not to report with effect from 16th August, 1999. Said instructions were given. No procedure was followed though he worked for 8-9 years with the 1st Party. The decision taken by the 1st party in asking 2nd Party not to report on duty with effect from 16th August, 1999 is not just and proper and according to law. Since said action is taken without following due process of law and without paying dues and other legal benefits, it is prayed that, said be declared null and void with directions to the 1st Party to treat him as its employee and direct to pay back wages from 16th August, 1999 till he is taken in the employment.

5. This is disputed by the 1st Party by filing Written Statement at Exhibit 9 making out the case that, the reference is not maintainable in law as well as in the facts and is liable to be dismissed in limine. It is further contended that, there is no relationship of employee and employer between the 2nd party and the 1st party and it is contended that he was never employed by the 1st party nor shown on the record of the 1st party. He was not called for interview by the 1st party. Even concerned Workman did not apply for employment with 1st party. 1st party did not give appointment order to the concerned Workman. According to 1st party, it cannot employ any person unless vacancy

is notified and advertised in the newspapers. It is stated that, concerned Workman had never applied for any post and 1st party never issued him any appointment order by taking interview or by selecting him in the interview. It is stated that, working of 2nd party with "Indira Rashtriya Kamgar Sahakari Society Limited" does not arise as he was not posted by the 1st Party with them i.e. "Indira Rashtriya Kamgar Sahakari Society Limited". According to 1st party, he was employed by "Watch Well Ship Shore Container Services" who had undertaken contract from Indira Rashtriya Kamgar Sahakari Society Limited". Said contract came to an end on 16th August, 1999. Since that contract comes to an end on 16th August, 1999, the question of 1st party to take 2nd party in the employment does not arise and on that basis "Indira Rashtriya Kamgar Sahakari Society Limited" informed "Watch Well Ship Shore Container Services" that, its contract has come to an end. It is stated that, Corporation informed concerned Workman to collect his dues when he appeared before the Conciliation Officer and Assistant Labour Commissioner. It is denied that, 2nd Party was working with the 1st Party. It is denied that Identity Card was given to the 2nd party, however, only entry passes were given by the "Indira Rashtriya Kamgar Sahakari Society Limited" and not by the Corporation. It is stated that, corporation was not a party to the termination and it did not pass any order or gave any verbal instructions for which it can be held responsible. Since contract between, "Indira Rashtriya Kamgar Sahakari Society Limited" and "Watch Well Ship Shore Container Services" ceased to be effective w.e.f. 16th August, 1999 and in the absence of the contract question of employing 2nd party on this post does not arise. Since 2nd party was not employee of the Corporation and not concerned with it, it is stated that, claim made out by the 2nd party against it be rejected.

6. In view of the above pleadings my Ld. Predecessor framed the issues at Exhibit 11 which I answer as follows:

ISSUES

FINDINGS

1. Whether relationship of employer and employee exists between the parties

Yes

2. Whether the action of the management of M/s. Container Corporation of India, Mumbai by terminating Shri Santhyavan Dhasrat Parkar from the Services of the company is legal and proper?

No

3. What relief of Shri S.D.

Parkar is entitled to?

2nd party is entitled to reinstatement with benefit of 50% backwages.

REASONS

ISSUE NO.1:

7. 2nd party Workman viz. Santhyavan D. Parkar viz made out the case that, he joined 1st party at a "Security

Guard" from January, 1999. He was posted as "Indira Rashtriya Kamgar Sahakari Society Limited", where the 1st party and Sea Port Terminal Container Pvt. Ltd. are carrying out their business activities. According to 2nd party, employer of the 2nd party was "Watch Well Ship Shore Container Services" as shown if false and bogus, since there was no such "Watch Well Ship Shore Container Services" in existence. In fact it is created on paper which is not legal one and it does not provide services of 2nd party to the 1st party. 2nd party worked on the site of the "Indira Rashtriya Kamgar Sahakari Society Limited". It is his case that, 1st party is wrongly contending that he was supplied by "Watch Well Ship Shore Container Services". According to 2nd party, he is directly employed by the 1st party, and the 1st party is running business with the help of "Indira Rashtriya Kamgar Sahakari Society Limited" and both were controlling and supervising the work of the 2nd party. They were taking signature about his attendance and payment is made to him on that basis. Whereas it is the case of the 1st party that, he was not employee of it and was employee of the "Watch Well Ship Shore Container Services", who had undertaken contract from "Indira Rashtriya Kamgar Sahakari Society Limited" to provide services of such a Guard upto 15th August, 1999. Since contract between them came to an end on 15th August, 1999, question of providing work to 2nd party does not arise. The existence of Sea Port Canteen is noted in then Settlement dated 24th October, 2000 which is at Sr.No.17. Identity Card were not issued by the 1st party but Entry Passes were given at the request of "Indira Rashtriya Kamgar Sahakari Society Limited".

"

8. To prove that, 2nd party placed reliance on his affidavit filed in lieu of examination in chief at Exhibit 17 and narrated all the story about his employment with the 1st party and his relations with it. In the cross he admits that, he does not possess the appointment order. He states, that, he does not know S.M. Pendarkar. He denies that, said "Watch Well Ship Shore Containers Services" and Maharashtra Rajya Mathadi Transport & General Kamgar Union had entered into settlement in the year 1997. He states that, he received wages on a blank voucher. He says that, he was getting over time. He states that, 41 days leave is at his credit as per page 37/12. Then he closed evidence by filing closing pursis at Exhibit 21. Against that, 1st party relied on the affidavit, filed at Exhibit 22, of its Senior Executive (Comm. & Opss.) Shri Shriram B. Deshmukh in lieu of examination in chief, who states that 2nd party is not employee of the 1st party. He states that, he is sitting in the premises of "Indira Rashtriya Kamgar Sahakari Society Limited". He states that 1st party cannot employ him directly unless vacancy is notified and advertised and employee is recruited through Employment Exchange. He states that, activities of 1st Party were operated from the premises of "Indira Rashtriya Kamgar Sahakari Society Limited" as work was allotted to it. He states that, there

was an agreement between "Indira Rashtriya Kamgar Sahakari Society Limited" and "Watch Well Ship Shore Container Services". He states that, as per that, contract employees like 2nd Party were supplied as Security Guards till 16th August, 1999. It is stated that, since, said contract came to an end automatically, services of the 2nd Party comes to an end. In the cross he states that, his office is situated in the premise of "Indira Rashtriya Kamgar Sahakari Society Limited". He states that, employees of his office are working there. He states that, "Indira Rashtriya Kamgar Sahakari Society Limited" is under his control. He states that, he has not filed any agreement with "Indira Rashtriya Kamgar Sahakari Society Limited" as stated in the affidavit. He volunteered that, he will produce the same. However the same is not produced till the matter is completed. He admits that, "Indira Rashtriya Kamgar Sahakari Society Limited" has more than 100 persons on roll for 1st Party which is registered under "Labour Contract Act" as "Indira Rashtriya Kamgar Sahakari Society Limited" has licence under the Labour Contract Act. However, said is not on record. He is unable to state, whether "M/s. Watch Well Ship Shore Container Services" possess licence to provide such services. He admits that, "Watch Well Ship Shore Container Services" has not signed any settlement. He admits that, name of 2nd Party is not in chart at page 5 to 7 produced at Exhibit 12. He admits that, 2nd Party workman Shri Parker was not paid any dues either by Management nor by "Indira Rashtriya Kamgar Sahakari Society Limited" or "Watch Well Ship Shore Container Service" when he was asked not to work. He admits that, "Security Guards" are supposed to work properly at the Corporation and services of security guards are necessary for Corporation. About the dues paid by the Society to Workman question was put to which he replied that, he do not know whether the dues paid by Indira Rashtriya Kamgar Sahakari Society Limited were recieved from "Watch Well Shipshore, though it is admitted that, the services of the concerned Workman were supplied by "Watch Well Ship Shore Container Service". He admits that, the concerned Workman was reporting to him when he report on duty. He admits that, he has continuous work. He admits that, on 16-8-1999 "Indira Rashtriya Kamgar Sahakari Society Limited" changed the labourers. He admits that, on 16-08-1999 no letter was given by "Indira Rashtriya Kamgar Sahakari Society Limited", to the said Workman. Management examined one more witness by filing affidavit of Hanmant Sampatrao Kanse at Exhibit 30 who admits that, there was no agreement between Management and M/s. Watch-Well Ship Shore Services to supply services of Security Guards. He admits that, 2nd Party was appointed by M/s. Watch-Well Ship Shore Services. He had no idea whether any written appointment order was given to him by Watch Well Ship Shore Services. He admits that, 2nd Party Workman worked as Security Guard and all 28 Security Guards were working with the Society. He admits that, their Society had given contract. He states that, relying on the

letter dated 14-7-1999 Society terminated the contract with Watch well Company. However, said letter does not spell out the termination of services of the concerned Workman. He states that, the Society has not given any letter regarding dues of the concerned Workman and asked to pay to it from the amount due of Watchwell with Society. He states that, the termination letter was given by Watchwell Company, however, it is not on record. He admits that Watchwell was sending daily report regarding attendance of Security Guards. However, it is not produced though undertook to produce it. On that cross and on the muster question was put that, Society does not have such a muster and that position lead to conclude like that.

9. On that, 2nd Party submitted synopsis of arguments, with some citations, at Exhibit 36 and by the 1st party at Exhibit 37.

10. From this evidence one-thing is clear that, no agreement is brought on record regarding alleged contract which took place between "Indira Rashtriya Kamgar Sahakari Society Limited" and "Watch-Well Ship Shore Container Services" for supplying services of Security Guards to the "Indira Rashtriya Kamgar Sahakari Society Limited". Besides, nothing is brought on record to show that, "Watch Well Ship Shore Container Services" has accepted the services of the Workman as Security Guards. Even existence of "Watch Well Ship Shore Container Services" is not proved by leading any satisfactory evidence. On the contrary witness of the 1st Party, Shri Shriram B. Deshmukh, at Exhibit 22 admits that, concerned Workman was reporting to him. He admits that, he was working under him with "Indira Rashtriya Kamgar Sahakari Society Limited". He admits that, office of the 1st party is in the premises of "Indira Rashtriya Kamgar Sahakari Society Limited". He admits that, work of 1st Party is got done through "Indira Rashtriya Kamgar Sahakari Society Limited". So from this it appears that, 1st party and "Indira Rashtriya Kamgar Sahakari Society Limited" are not different. No existence of "Watch Well Ship Shore Container Services" is shown who allegedly provide the services of the Security Guards to "Indira Rashtriya Kamgar Sahakari Society Limited". Besides, work done by the 2nd Party was work for safe-guarding the property of the 1st Party and such services were needed by the 1st Party. When work of Security is there which is perennial work with 1st Party, and when there is no existence shown of the Watch Well Ship Shore Container Services" who are alleged to have supplied services of the 2nd Party, question arises what is the relationship of the 1st Party with 2nd Party? According to me, when there is no existence of "Watch Well Ship Shore Container Services" burden is on 1st Party to show that, Watch Well Ship Shore Container Services" is there, in my considered view we have to conclude that, "Watch Well Ship Shore Container Service" is a bogus agency created by 1st Party and "Indira Rashtriya

Kamgar Sahakari Society Limited" to deprive the rights and benefits of employee like this. Besides citations referred by 2nd Party's Advocate published in 1978 FLR page 136 (SC) (Hussainbhai vs The Alath Factory Thezhilal) support the case of the 2nd Party as in that case, Group of Workers were doing work or business of another employer. However, that Company was having control over the work of such employees. The case of the employer was that said workers were hired by it from the contractor and there was an agreement to that effect and in that case, it was observed that, since work was of the Company which was of perennial nature and such workers were hired through bogus contractors, it was observed that, such workmen are to be treated as employees of the Company. Besides witness examined by 2nd Party of "Indira Rashtriya Kamgar Sahakari Society Limited" who admits the working of 2nd Party with it and who states that, he has no idea whether "Watch Well Ship Shore Container Service" has no licence under Maharashtra Securities Act reveals otherwise. Besides, he placed reliance on the citation published in 1999 ICLR page 959 where Apex Court observed that, if Workmen work for more 240 days in a calendar year, attract the permanency. Besides he placed reliance on the citation published in 2004 (SCC) (L&S) page 506 where Apex Court while deciding case of Bharat Heavy Electricals Ltd. vs State of U.P. observed that, lifting the veil or looking at the conspectus of factors governing the employment held that, involvement of the direct contractor was merely figurative and sham and in that case, Workman were engaged through alleged "agency" they were held to be employees of the direct employers, for whom they were engaged. So if we apply that, and try to lift the veil of alleged contractor of "Watch Well Ship Shore Container Services" of which existence is not proved by any side, which leads to consider that, it is a bogus contractor as alleged by the 2nd Party. Against that, 1st Party's Advocate placed reliance on citation published in 2004 3 SCC page 514 (Nilgiri Co-op. Marketing Society Ltd. vs. State of Tamil Nadu) where it is observed that case test of organization or control and supervision is not only the test to decide existence of contract. However, when such basic things are questioned the existence of such a Company must be proved by the 1st Party who alleges that, though its Workman is accepted or is taken by the Company. The citation published in 2006 11 LLJ page 272 in the case of Secretary, State of Karnataka and Ors. Vs. Umadevi & Ors. where Apex Court observed that, vacancy in public office cannot be filled in by back door entry. In fact, facts of that case and the facts at hand are quite different. Here workman is working for 9 years. The alleged "Watch Well Ship Shore Container Services" through whom the 2nd Party's services were taken by the 1st Party, is not proved. Even existence of the said Company is not proved. The citation published in 2007 1 CLR page 43 (Indian Drugs & Pharmaceuticals Ltd. Vs. Workmen Indian Drugs & Pharmaceuticals Ltd.) where it is observed that, daily wagers cannot claim permanency, which is also on

different footings as in that case it was a public sector undertaking which has a plant in Rishi Kesh, where it was manufacturing Pharmaceuticals. In that case dispute was raised in respect of employees who were appointed on compassionate/casual basis and were taken on daily rate basis. Said appointments were made due to persistent and prolonged agitation by the Trade Union since the appellant wanted to maintain an industrial harmony although there was no rule/policy to make such appointments. However, in our case there was no such compelling circumstances in which 1st party has taken the employment of the 2nd Party as happened in the case of Indian Drugs & Pharmaceuticals Company. So according to me services of the 2nd Party can not be compared with the case of Indian Drugs & Pharmaceuticals Company decided by the Apex Court in Civil Appeal No.4996 of 2006.

(11) So if we consider all this coupled with the case made out by both, I conclude that, the relations between the 1st Party and the 2nd Party subsists as employer and employee and observed that, 2nd Party was employee of the 1st Party and answer issue in the affirmative.

ISSUE NO. 2 :

(12) When 2nd Party succeeds in showing that, he was an employee of the 2nd Party and he served for 9 years and by virtue of 2nd Party completing 240 days which is not disputed by the 1st Party claiming employee of the 1st Party as a permanent employee. When he is a permanent employee naturally while terminating his services 1st Party has to follow the procedure as expected while terminating the services of a permanent employee. Here it is a matter of record that, no legal notice is given. It is a matter of record that, no legal dues are paid. It is a matter of record that legal notice of termination was not given nor it is compensated by one month's salary. Even his legal dues are not paid at all and that fact is not denied by the witness of the 1st Party. Even the admission of the 1st Party's witness and that of witness examined on behalf of "Indira Rashtriya Kamgar Sahakari Society Limited" focus on that fact that, "Watch Well Ship Shore Container Services" was bogus contractor and its existence is not proved in this reference. It is not proved that though "Watch Well Ship Shore Container Services", services of 2nd Party Workman were taken for serving with the 1st Party. On the contrary record and proceedings reveal that, 1st Party and "Indira Rashtriya Kamgar Sahakari Society Limited" are doing similar business in the premises of "Indira Rashtriya Kamgar Sahakari Society Limited" where security work is of a perennial nature. 1st Party was supervising the property of the 1st Party and of Indira Rashtriya Kamgar Sahakari Society Limited". Since there was no existence of contract between "Watch Well Ship Shore Container Services" and "Indira Rashtriya Kamgar Sahakari Society Limited" and did not prove that, "Watch Well Ship Shore Container Services" provided services of 2nd Party to 1st Party or "Indira Rashtriya Kamgar Sahakari Society

Limited", and when work of the 2nd Party was supervised by the 1st party and doing work for the 1st Party and "Indira Rashtriya Kamgar Sahakari Society Limited" it is clear from it that, they have to take legal procedure while terminating the services of such an employee. But evidence reveals that, no such legal action was taken.

(13) In this matter no such legal steps have been taken by the 1st Party nor by the "Indira Rashtriya Kamgar Sahakari Society Limited" and even no notice is given of any kind and only verbally he was intimated not to report on duty. Even there is no evidence on record to show that, on 14th August, 1989 contract came to an end and the services of the 2nd Party also come to an end. So I conclude that, the Decision taken by the 1st party of not supplying work to the 2nd Party w. e. f. 15-9-99 is not legal and proper and it require to treat as a termination. So I answer this Issue in the negative.

ISSUE NO. 3.

(14) 2nd party prays that, he is entitled for reinstatement with back wages. 2nd Party succeeds in showing that, he was illegally terminated. He proves his relationships with 1st party as employee and employer. He also succeeds in showing that no legal action was taken, and no legal dues were paid. He also proves that, he was illegally prevented from reporting on duty w.e.f. 14th August, 1999.

(15) Still one has to consider that, 2nd Party did not work for 1st Party from 14-8-1999. However, one cannot ignore that said termination or such a prohibition is against the provisions of law. By introducing bogus contractors like "Watch Well Ship Shore Container Services" 2nd Party was deprived to work at his work place which can not be permitted by refusing prayers prayed by the 2nd Party. At the same time one cannot ignore that, no work was given by the 1st party to the 2nd party. But when termination is illegal, that can be substituted by awarding cost of 50% back wages. So I conclude that, and to meet the ends of justice giving benefit of 50% back wages to the 2nd Party by 1st Party is just and legal.

(16) In view of the discussions made above I conclude that, reference is partly allowed. Hence, the order :

ORDER

- (a) Reference is partly allowed,
- (b) I direct 1st Party to reinstate the 2nd Party on his post and give back wages @ 50% from the date of his termination i.e. 16-8-1999 till he is taken on duty; and continue him till he attains age of superannuation;
- (c) in the circumstances there is no order as to costs.

Mumbai,
27th November, 2007

A. A. LAD, Presiding Officer

नई दिल्ली, 24 जनवरी, 2008

का.आ. 317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सरस्वत को. ओपरेटिव बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई -2, के पंचाट (संदर्भ संख्या 209/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-2008 को प्राप्त हुआ था।

[सं. एल-12012/238/1999-आई.आर.(बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2008

S.O. 317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.209/1999) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of Saraswat Co-operative Bank Ltd., and their workmen, received by the Central Government on 24/01/2008.

[No. L-12012/238/1999-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/209 of 1999

Employers in relation to the management of Saraswat Co-operative Bank Ltd.

The Managing Director,
Saraswat Co-op. Bank Ltd.,
Mandhusanch, 1st floor, Sadashiv Cross
Lane, Girgaon, Mumbai 400 004.

...1st Party

AND

Their Workmen
The President,
Saraswat Co-operative Bank Employees Union,
Laxman Zulla, 2nd floor, 50 Ranade Road,
Mumbai-400 004.

...2nd Party

APPEARANCE

For the Employer : S/Shri K.M Naik, J.L. Samant,
S.P. Dhulapkar & N.H. Samant,
Advocates.

For the Workmen : S/Shri Nitin S. Paranjape & Vasant
J. Amberkar, Advocates.

Date of passing of Award: 11-12-2007

2. The Government of India, Ministry of Labour by its Order No. L-12012/238/99-IR (B-I) dated 9th Nov. 1999 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of the Saraswat Co-op. Bank Ltd., Mumbai, in terminating the services of Shri A.N. Kategiri Sub-Accountant, w.e.f. 6-3-99 for his alleged misconduct is legal and justified? If not to what relief the workman is entitled to?"

To support the subject matter referred in the reference, Second Party filed the Statement of claim at Exhibit 7 which is disputed by the 1st Party by filing Written Statement at Exhibit 8, Issues were framed at Exhibit 11 and the Reference is fixed for recording evidence of workman. After 6-9-2007/12-10-07 2nd Party is not appearing for reasons best known to him. By Exhibit 54 and 55 union was informed to attend the Reference but no note of it was taken by the Union. So, I proceed to pass the following order:

ORDER

In the absence of the 2nd Party Reference is disposed off for want of prosecution.

Mumbai

11th December, 2007.

A. A. LAD, Presiding Officer

नई दिल्ली, 24 जनवरी, 2008

का.आ. 318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई-2 के पंचाट (संदर्भ संख्या 21/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-2008 को प्राप्त हुआ था।

[सं. एल-17012/44/2003 आई.आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2008

S.O. 318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the management of Life Insurance Corporation of India, and their workman, received by the Central Government on 24-01-2008.

[No. L-17012/44/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/21 of 2004

EMPLOYERS IN RELATION TO THE MANAGEMENT
OF LIFE INSURANCE CORPORATION OF INDIA

The Senior Divisional Manager,
Life Insurance Corporation of India,
Mumbai Divisional Office--IV Yogakshema,

J.B. Marg, Mumbai-400 021.

1st Party

AND

Their Workman

The General Secretary,

Insurance Employees Association,

Gulestan Building, 2nd floor,

Maharashi Dadhici Marg, Fort,

MUMBAI-400 001.

2nd Party

APPEARANCE

For the Employer : Mr. D.S. Mukadan & Ms. Subhada
Pandit,

Representatives of the
Management.

For the Workmen : Mr. C.S. Dalvi, Representative of the
Union.

Date of reserving Award: 6th November, 2007.

Date of passing of Award : 14th December, 2007.

AWARD

The matrix of the facts as culled out from the proceedings are as under:

2. The Government of India, Ministry of Labour by its Order No. L-17012/44/2003-IR (B-I) dated 8th April, 2004 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Life Insurance Corporation of India MDO- IV, Mumbai by reducing the wages by 3 stages in respect of Shri Bajirao B. Sawant, Assistant is justified? If not, what relief Shri Bajirao B. Sawant, Assistant is entitled to?"

To support the subject matter in the reference, the Statement of Claim is filed by the Vice President of the Union at Exhibit 12 making out the case that, the concerned Workman, Bajirao S. Sawant, involved in the Reference, retired from the services of the 1st Party, on reaching superannuation age of 60 years, with effect from 31st March, 1998. Said Sawant claimed LTC on 13th May, 1994

of Rs. 14,845 being an amount spent towards rail and bus fare for the tour undertaken by his family members, including himself for LTC block for the year 1992-94 from Bombay to Renigunta, Triupati, Coimbatore, Ooty, Mysore, Bellur, Hansa, Bangalore and back to Mumbai in between 18-4-1994 to 2-5-1994 through M/s. Chitari Travels Bombay. It is further case that the concerned Workman before his retirement i.e. on 24th March, 1998 was served charge sheet leveling charge against him that, he misused the LTC facility and imposed penalty of stoppage of 3 increments. According to Union, said action was not warranted at the far end of the retirement of the concerned Workman. Besides Management cannot inflict such a punishment since stoppage of 3 increments is nothing but giving punishment year-wise for three years to the concerned Workman. So according to the Union said action taken by the 1st Party require to be set aside with directions to release those increments and declare concerned Workman not liable for the same.

3. This is disputed by the 1st Party by filing Written Statement at Exhibit 13 making out the case that, reducing wages by 3 stages cannot be an 'industrial dispute' and this Court cannot consider it. Besides, it is stated that, the concerned Workman retired with effect from 31st March, 1998. However, this dispute was reised in January, 2002 which is stale one and cannot be considered after 4 years and on this ground also reference does not survive. Besides Section 11-A of Industrial Disputes Act, 1947 does not empower this Tribunal to consider the grievance of the concerned Workman agitated by the Union. There are rules and regulations made by the Corporation which cannot be interfered and various judgments protect the rights of the Corporation to make such rules. In fact, concerned Workman submitted bill for LTC though he did not travel claimed. He misused the amount or the funds of the Corporation. Actual claim was made of Rs. 14,845 which was settled at Rs. 6240, for which the charge sheet was served on the concerned workman on 24th March, 1998. Senior Divisional Manager was the Disciplinary Authority. Notice was served on the concerned workman and the charge sheet was served on him which he replied to it and prayed for leniency admitting the guilt and charges leveled against him. Even in reply he admits the guilt and charges leveled against him. It reveals that, since concerned workman did admit the guilt, he changed his mind and challenged the action taken by the Management. So it is submitted that, the decision taken by Management of reduction of wages by 3 stages is just, proper and does not require any interference.

4. In view of the above pleadings following issues were framed at Exhibit 17 which I answer as under :

ISSUES	FINDINGS
1. Whether action of First Party in reducing three increments is just ?	Yes

- | | |
|---|---------------------|
| 2. Whether said action was taken on admission of charges by the workman ? | Yes |
| 3. What relief concerned workman may get ? | No relief. |
| 4. What order ? | As per order below. |

REASONS:

ISSUE NO. 1 :

5. Concerned workman challenged the action taken by the Management which reduced wages by 3 stages of the concerned workman on the allegation that he misused the funds of the Corporation without traveling. He claimed the amount for LTC, however, he did not travel. Charge sheet was served on him in reply to which he admits the guilt and relying on that action was taken by the Corporation of reducing wages by 3 stages. To prove that, concerned workman placed reliance on the affidavit filed at Exhibit 18m in lieu of the examination in chief. However, in the cross he admits that, he joined LIC in 1962. He claimed LTC for the block year 1992-94. He traveled by bus. Further he admits that, he claimed Rs. 14,850 and he has produced receipt of "Chitale Travels". He again says that he traveled from Bombay to Renigunta by train though he claimed fare of bus. He admits that out of said claim Rs. 6240 was sanctioned by the LIC. He admits that, he did not enquire as to why less amount was sanctioned. He learned about the said charges when he received less payment. He admits that, he admitted the charges leveled against him regarding LTC. He admits that, show cause notice was served on him. He admits that, he replied the same. He admits that, only 3 yearly increments were stopped. He admits that, he challenged the said order before the Appellate Authority by filing an appeal but it was not allowed. He admits that, proposal of stoppage of retirement benefits were offered by the officers and asked him to admit the charge. He admits that, he did not challenge evidence of the LIC. He admits that, he did not travel as claimed by him. He admits that, he did not approach the Chairman. Then he filed his closing pursis at Exhibit 19 and then 1st Party filed affidavit of its officer Mr. V. S. Naicker at Exhibit 20 in lieu of the examination in chief who gave details in what way LTC claim is considered and sanctioned. In the cross this witness states that on admission of charges by the concerned workman, enquiry was not conducted. He states that, since workman admitted the guilt no further evidence was led. He admits that, when decision was intimated to the concerned workman about the LTC, he immediately refunded the entire reimbursement amount. Thereafter 1st Party closed evidence by filing closing pursis at Exhibit 21.

Written arguments are submitted by the 2nd Party at Exhibit 22. Whereas Management filed it at Exhibit 23. The perusal of this reveals that, concerned workman admitted

the guilt and charges levelled against him of misusing LTC facility. Even he admits that, he did not travel as claimed by him LTC facility and that, he misused the funds of the LIC. Even he returned it and did not challenge the decision of the LIC. When 2nd Party admits that, he did not travel as per LTC and utilized the amount for the purpose for which it was taken, in my considered view, 1st Party is not supposed to proceed in detail in domestic enquiry as observed in a number of cases. On that point citation published in 1967 FJR (SC) page 481 (Central Bank of India Vs. Karunamoy Banerjee) where Apex Court observed that, if the workman admits the guilt, there will be nothing more for employer to enquire into and it will be an empty formality to insist upon the employer to led in evidence about the allegations. In the citation published in 1996 ILL. J page 292 (Bombay High Court) Syed Waris Hussain Vs. H.T. Koli and anr.) our Hon'ble High Court observed that, finding given by the Enquiry Officer based on the admission of the delinquent is valid and held no ground to interfere in such finding. In citation published in 1998 II CLR page 1174 (Canara Bank Vs. H.T. Koli & anr.) again Bombay High Court observed that, charge sheeted person when voluntarily admits the guilt in that case, if punishment is given on that basis, it is not required to be interfered. In citation published in 1986 FJR (Vol.68) page 132 (Hindustan Aeronautics Ltd. Vs. R. Gulab Singh) Karnataka High Court has held that, if misconduct is admitted, it is not necessary for the employer to hold any domestic enquiry. In citation published in 2006 LLR page 735 (Uranium Corporation of India Ltd. Vs. the Presiding Officer, Central Government Industrial Tribunal No.1 and ors.) Jharkhand High Court observed that, if workman accepts the guilt and if once he accepts the guilt in that case, no enquiry is required to proceed. Even above referred number of case laws does not require Management to go further in enquiry when charges are admitted by the delinquent. So according to me the Management has acted as per the admissions given by the concerned workman and has given decision of stoppage of 3 increments. It is a matter of record that, that was the only punishment given to the concerned workman which is not shown by the concerned workman as how it is not just and proper. No other pensionary benefits were withheld. That is the only punishment and that too given on admission. So according to me on mere admission of the concerned workman management can take decision. I answer this issue in the affirmative.

ISSUE NO.2 & 3:

6. Though the Management took action of reducing 3 stages of increments, as stated above, said action is not shown by the concerned workman as to how it is not just and proper and how it violate principles of natural justice or is harsh, or taking decision of simply reducing 3 stages of 3 increments and no other recovery is made. By this decision, signal is given by the Management that, they will not tolerate this type of misconduct and serious action is

taken against the concerned workman. I think the employees working in the Corporate field should use funds of the Corporation in proper manner and there should be nobody who should take care to utilize the funds of such a corporation in improper way. So according to me decision taken by the 1st Party of reducing wages of 3 stages cannot be treated as harsh and unjust. Besides no specific case is made out by the concerned workman as to how such action can be treated as harsh and unjust. No other recovery is made or no other pensionary benefits were withheld. So in my considered view decision taken by the Management of reducing wages by 3 stages is just and proper and does not require to interfere since charge levelled against the concerned workman is proved as he deserve for it. So I answer these Issue to that effect.

7. In view of the discussion made above, I conclude that, Reference does not require to be considered. Hence, I pass the following order:

ORDER

Reference is rejected with no Order as to its costs.

Mumbai,

14th December, 2007

A. A. LAD, Presiding Officer

नई दिल्ली, 24 जनवरी, 2008

का.आ. 319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चित्रादुर्गा ग्रामीण बैंक के प्रबंधन के संबंध निषेधों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बेंगलूर के पंचाट (संदर्भ संख्या 01/ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-2008 को प्राप्त हुआ था।

[सं. एल- 12012/235/2004-आई.आर.(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2008

S.O. 319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 01/ 2005) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore, as shown in the Annexure, in the Industrial Dispute between the management of Chitradurage Grameena Bank, and their workman, received by the Central Government on 24-1-2008.

[No. L-12012/235/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated: 3rd January 2008

PRESENT

Shri A. R. SIDDIQUI, Presiding Officer

C.R.NO. 01/2005

I PARTY

Shri N. H. Shashidhara,
S/o N.S. Hanumantharao,
Sukruthi, Old Market Road,
Doddapete,
Chitradurga-577501
Karnataka State

II PARTY

The Chairman,
Chitradurga Grameena Bank,
Head Office, PB No.70
Kanakanilaya,
V. P. Extension, Main Road,
Chitradurga-577501
Karnataka State

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No.L-12012/235/2004 - IR(B-I) dated 25th November 2004 for adjudication on the following schedule:

SCHEDULE

"Whether the management of Chitradurga Grameena Bank is justified in dismissing Shri N.H. Shashidhara, Clerk from service, if not, to what relief the workman is entitled to?"

2. A charge sheet dated 10-01-2001, came to be served upon the first party on the allegations that he misappropriated a sum of Rs.2000 remitted on 5-9-2000 towards credit loan account No. SBE-DPN6/2000 of one Shri M.B. Rajanna through Shri S.R. Hanumanthappa, NWD Agent while working as Clerk-cum-Cashier in H.D.Pura Branch between 30-5-1997 & 11-11-2000. There being no reply to the charge sheet, a Domestic Enquiry was ordered appointing one Shri Rajashekaraiiah as enquiry officer and one Mr. H.V. M. Rao as Presenting Officer. Enquiry proceedings were taken up on 1-8-2001 and the misconduct being admitted by the first party, enquiry findings were submitted holding him guilty of the charges. It appears that the disciplinary authority not being satisfied with the proceedings of the enquiry conducted by the enquiry officer, a fresh DE was ordered during which enquiry the management examined six witnesses as MW1 to MW6 and got marked 16 documents at Ex.M1 to M16 and on the conclusion of the enquiry once again findings were submitted by the very same enquiry officer holding the workman guilty of the charges. Thereupon, first party was served with second show cause notice along with the copy of the findings of the enquiry officer seeking his representation in the matter. He submitted the representation dated 5-12-2003 which being considered by the Disciplinary Authority and not being found satisfactory once again a second show cause notice dated 19-12-2003 proposing the punishment of dismissal was given to the first party and after personal hearing of the first party held on 6-1-2004 punishment proposed was confirmed by

impugned punishment order dated 19-1-2004. The first party appears to have raised the dispute and on account of failure report submitted by the authority concerned, the present reference proceedings have come up before this tribunal.

3. The first party in his claim statement, while , challenging the enquiry proceedings as unreasonable and suffering from violation of principles of natural justice (pleadings on this point dropped there being a separate finding on the DE issue), challenged the enquiry findings as suffering from perversity alleging that charge of misconduct levelled against him was not established and that the observations made by the enquiry officer to the effect that he admitted the charge of misconduct levelled against him are false and incorrect. His contention was that on 5-9-2000 the said NWD Agent was preparing a challan with respect to the loan account of bank customer Shri M.B. Rajappa by putting his own signature: that on the said date a sum of Rs. 2000 said to have been remitted by Shri M.B. Rajappa has been received by him on 7-11-2000 itself. Therefore, his contention was that when the amount of Rs. 2000 was withdrawn just within two months from the date of remittance, there arose no question of any misappropriation by the first party. He also contended that the second enquiry conducted against him was not in accordance with the terms of the Bipartite Settlement and in this respect he cited certain decisions of their Lordship reported in AIR 1971(2)SCC 102 and the decision of our Hon'ble High Court reported in 1983(1) Karnataka Law Journal 433. He also challenged the impugned punishment order contending that it lacked application of mind by the Disciplinary Authority and suffered from factual and legal defects basing on the finding of the enquiry officer which were suffered from perversity for lack of sufficient and legal evidence. Therefore, he requested this tribunal to pass an award in his favour with relief of reinstatement, continuity of service with all other consequential benefits.

4. The management by its counter statement, however, contended that the disciplinary authority after having found the first enquiry proceedings not conducted in the manner known to law and for that matter not giving proper opportunity to the first party to defend himself, second enquiry was ordered by the very same enquiry officer and it is during the course of second round of enquiry, the management examined as many as six witnesses getting marked 16 documents and it is on the basis of the oral and documentary evidence as well as the plea of guilt made by the first party at the conclusion of the enquiry, findings were submitted holding him guilty of the charges. The management contended that enquiry proceedings therefore, were conducted in accordance with principles of natural justice, enquiry findings were rendered holding the first party guilty of the charges based on sufficient and legal evidence and that impugned punishment order was passed against the first party having complied with the

necessary procedure laid down in law i.e. having supplied him the copy of the findings, issuing him the show cause notice proposing the punishment and then confirming the same after giving opportunity of hearing to the first party. The management therefore, contended that charge of misconduct leveled against the first party have been proved during the course of enquiry and in the result impugned punishment order cannot be faulted with.

5. Keeping in view the respective contentions of the parties, this tribunal took up the question of validity and fairness or otherwise of the enquiry proceedings, in the first instance during the course of which the management examined the enquiry officer as MW1 and got the documents marked at Ex.M1 to M17. The first party also examined himself without getting marked any document.

6. After having heard the learned counsels for the respective parties, this tribunal by order dated 04-01-2007 recorded a finding to the effect that the DE held against the first party by the second party is fair and proper. Thereupon, the matter was posted to hear the learned counsels on merits of the case i.e. on the point of alleged perversity of the findings and on the quantum of the punishment.

7. Learned counsel for the first party filed his written arguments more or less repeating the very averments made in the claim statement filed by the first party. His contention was that the amount said to have been remitted by the customer Shri Rajappa on 5-9-2000 through the above said NND agent in fact has been received back by him on 7-11-2000 itself, and therefore, it cannot be said that the first party misappropriated the said amount. With regard to the quantum of the punishment learned counsel contended that the first party was in the service of the management for about a period of 20 years having unblemished service record and therefore, keeping in view the facts and circumstances of the case he deserved no such severe punishment of dismissal from service and referred to a decision of their Lordship of Supreme Court in Assistant General Manager SBI Vs. Thomas Jose and another reported in 2000 II LLJ page 1600.

8. Whereas, learned counsel for the management was not available when the matter was heard on merits, later on, submitted 3 decisions in support of the management's case on 4-12-2000 itself by just making a submission that in the light of the findings of this tribunal on DE issue he supports the findings of the enquiry officer on merits of the case. Those three decisions are as under:

1. 1 LLJ 1995 1096

2. 1 LLJ 1995 233

3. AIR 2000 SC 3129

9. Now, therefore, in the light of the finding recorded by this tribunal on DE issue, the two important questions now to be considered would be

(i) Whether the findings of the enquiry officer suffered from perversity and

(ii) If not, the punishment of dismissal awarded against the first party is disproportionate to the gravity of the misconduct committed by the first party.

10. On going through the enquiry findings I am led to believe that they suffered from no legal or factual defects. Its perusal will reveal that as many as six witnesses including the said NND agent and the said customer Rajappa were examined by the management and documents at Ex.MEX. 1 to 16 were marked which included loan counterfoil dated 5-9-2000 for Rs. 2000- (Ex.MEX.3) letter dated 7-11-2000 of MB Rajappa (MEX. 5), his another letter dated 8-1-2000 vide Ex. M11. After having given his answers to the various questions and points raised by the DR assigning very cogent and valid reasonings, the learned enquiry officer on the last page of enquiry findings observed as under:—

"From the above analysis following are clear:

- (1) CSE was on duty and handled the cash on 5-9-2000.
- (2) S.R. Hanumanthappa NND agent has remitted Rs.2000- to DPN SBE 6/2000 of MB Rajappa. MB Rajappa has given the complaint to get back the money.
- (3) CSE who was the cashier on 05-09-2000 accepted the cash and issued counterfoils with his signature and entered in the loan card.
- (4) The same counterfoil (MEX 3) and loan card (MEX 4) were produced before the enquiry.
- (5) As per MEX-6, 7&8 the amount of Rs. 2000- was not accounted in the books of accounts of the bank.
- (6) In the sitting held by me on 01-08-2000 CSE has admitted the charge on his own and without any coercion/force for which findings already submitted.

On preponderance of probabilities I hold the charge-sheeted employee Shri N.H.Shashidhara is guilty of charge."

11. Therefore, when the two important and competent witnesses namely the said NND agent hanumathappa who in fact remitted the amount of Rs. 2000 with the first party and obtained counterfoil and the customer Rajappa who had given the complaint to the above effect were examined during the course of enquiry and the documentary evidence also was produced by the management speaking to the transactions taken place evidencing the fact that the amount which was received by the first party on 5-9-2000 in fact was accounted with the bank on 7-11-2000 and that evidence as could be read from the records was not challenged by the first party, by no stretch of imagination it can be said that there was no sufficient and legal evidence

to establish the charges of misconduct leveled against the first party. In fact, as could be read from his averments in the claim statement as well as the defence taken by the first party during the course of enquiry what he wanted to say was that the amount of Rs.2000 being withdrawn by the above said customer on 7-11-2000 itself, i.e. after a gap of about 2 months of its remittance, he cannot be held responsible for the charge of misconduct of misappropriation which defence was certainly not entertainable either by the enquiry officer, the disciplinary authority or by this tribunal. It might be a case of temporary misappropriation but it cannot be said that it was not a case of misappropriation at all. In his written arguments learned counsel for the first party also was not in a position to convince this tribunal as to how findings of the enquiry officer suffered from perversity. He failed to point out any legal or factual defects rather failed to point out that the findings of the enquiry officer were not based on sufficient and legal evidence or that it was the case of "No evidence". Therefore, there is no hesitation in the mind of this tribunal to record a finding that the findings of the enquiry officer suffered from no perversity and in the result it is to be further held that charge of misconduct leveled against the first party has been proved by sufficient and legal evidence.

12. Now, coming to the question of quantum of the punishment. As noted above, learned counsel for the management cited the above said three decisions in order to justify the punishment of dismissal passed against the first party. In the first decision the principle laid is to the effect that once the enquiry has been properly conducted and the punishment was imposed by the management considering the seriousness of the misconduct of workman, it is not for the Labour Court to interfere with such orders of punishment. The second decision laid down the principle that temporary retention amounts to misappropriation and that repayment would not absolve the liability. The High Court justified the dismissal order turning down the contention that the workman belonged to a scheduled tribe. In the 3rd decision the principle laid down is to the effect that the misappropriation may be for small or large amount and irrespective of the quantity of the amount and the past unblemished record of service of the workman, the relief of reinstatement cannot be justified invoking the provisions of Section 11A of the ID Act. Whereas, learned counsel for the first party as noted above, relied upon a subsequent ruling of their Lordship of SC in the above said Thomas Jose case, begging lenient view from the court. His contention was that in the above said case also there was misappropriation of Rs. 3000 and the lower court had given the relief of reinstatement which award of the tribunal was not only upheld by the single judge bench but also was up held by the Division Bench of the high Court and it is ultimately their lordship of SC confirming the relief of reinstatement however, denied him

the increment for a period of 10 years. Therefore, learned counsel wanted this tribunal also to take a similar lenient view having regard to similarity of the facts involved in the present case. Therefore, going by the principle laid down by their Lordship of Supreme Court in the aforesaid decision involving more or less similar facts and circumstances of the case as obtained in the present case, not ignoring the fact that it was for the first time the first party came into trouble by committing the misconduct on hand, the fact that the amount remitted on 5-9-2000 came to be accounted with the bank on 7-11-2000 itself, before he was served with the charge sheet, it appears to me that ends of justice will be met if the first party is given the punishment similar to the one approved by their Lordship of SC in the afore said decision. Hence the following Award:

AWARD

The management is directed to reinstate the first party workman into its services with holding his increment for a period of 10 years with cumulative effect from the date of the impugned punishment order and onwards without back wages, continuity of service and all other consequential benefits. No costs.

(Dictated to PA transcribed by the corrected and signed by me on 3rd January 2008)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 24 जनवरी, 2008

का.आ. 320.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एंड नेचुरल गैस कमीशन, कोलकाता के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 9/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-1-2008 को प्राप्त हुआ था।

[सं. एल-30011/5/1990-आई आर (एम)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 24th January, 2008

S.O. 320.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/1991) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Oil & Natural Gas Commission, Kolkata and their workman, which was received by the Central Government on 24-1-2008.

[No. L-30011/5/1990-IR (M)]

N. S. BORA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 09 of 1991

PARTIES : Employers in relation to the management of Oil & Natural Gas Commission, Kolkata

AND

Their workmen.

PRESENT : Mr. Justice C. P. Mishra : Presiding Officer

APPEARANCE :—

On behalf of the Management : Mr. D.K. Ghosh, Advocate with Mr. R. Dey, Advocate.
On behalf of the Workmen : Mr. S. Mukherjee, Advocate
State : West Bengal Industry : Oil & Natural Gas.
Dated : 9th January, 2008

AWARD

By Order No. L-30011/5/90-IR (Misc.) dated 04-04-1991 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the contingent casual employees employed by the Oil & Natural Gas Commission, West Bengal at their various worksites who could not complete 240 days continuous work in a year are entitled to receive medical facility as is available to other casual employees of the Commission? If not, to what relief are they entitled?”

2. When the case is called out today none appears for the workmen, nor any step is taken on their behalf to proceed with the present reference. Management, however, is represented by its learned Advocate who has stated that the workmen are not appearing for the last four years and therefore it can be reasonably presumed that they have lost all interest in the present dispute under reference. He accordingly prays that the reference be disposed of by passing a “No Dispute” Award.

3. It appears from the record that none is appearing on behalf of the workmen since 25-10-2002 inspite of repeated notice, nor any step is taken on their behalf to proceed with the matter and the case is being adjourned from time to time. It is, therefore, clear that the workmen have lost all its interest in the matter. Management has also prayed for passing a “No Dispute Award” in this regard. In the circumstances, this Tribunal has no other alternative but to dispose of the present reference by passing a “No Dispute” Award.

4. A “No Dispute” Award is accordingly passed and the present reference is disposed of.

C. P. MISHRA, Presiding Officer

Dated, Kolkata
The 9th January, 2008.

नई दिल्ली, 24 जनवरी, 2008

का.आ. 321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल.आई.सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 45/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-01-2008 को प्राप्त हुआ था।

[सं. एल-17012/09/2005-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 24th January, 2008

S.O. 321.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2005) of the Central Government Industrial Tribunal-cum-Labour Court Bangalore, as shown in the Annexure, in the industrial dispute between the management of LIC, and their workmen, received by the Central Government on 24-01-2008.

[No.L-17012/09/2005-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 8th January, 2008

PRESENT Shri A.R. Siddiqui, Presiding Officer

C.R. No. 45/2005

I Party

Shri Sathya Vijaya Kumar, :
S/o Benjamin Yesuraj,
R/o Behind Mallappa,
Complex, Somaiah Layout,
B.H. Road,
Shimoga-577201
Karnataka State

II Party

The Senior Divisional
Manager, Life Insurance
Employees Association,
Divisional Office, Jeevan
Krishna, P.B. No. 8,
Udupi-576101,
Karnataka State

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-17012/9/2005-IR (B-I) dated 21st October, 2005, for adjudication on the following schedule :

SCHEDULE

“Whether the management of Life Insurance Corporation of India is justified in dismissing the services of Shri Sathya Vijaya Kumar? If not, to what relief the workman is entitled to?”

2. A Charge sheet dated 09-06-2003 came to be served upon the first party in the following terms :—

Chargesheet

You Shri Sathya Vijaya Kumar, Salary Roll No. 542052, working as Sepoy, LIC of India, Branch Office-II Shimoga are hereby charged as under :—

That your leave record has been very unsatisfactory and you have been frequently availing leave without applying for leave or without prior sanction. The fact of your habitual unauthorised and irregular attendance has been brought to your notice on several occasions previously, both orally and in writing.

That, apart from the aforesaid warnings you have been earlier charsheeted five times for your unauthorised absence and punished for the same as detailed below :

Date of Charge	Date of Final Order	Penalty imposed
02-04-1996	03-12-1996	Reduction in Basic pay by one stage.
23-07-1997	23-06-1998	Reduction in Basic pay by two stages.
17-11-1997	23-11-1998	Reduction in Basic pay by three stages.
11-09-2001	18-03-2002	Reduction in Basic pay by two stages.
13-07-2002	30-01-2003	Reduction in Basic pay by two stages.

That, in spite of aforesaid warnings and disciplinary action taken against your for similar acts of misconduct you have again absented yourself for duties unauthorisedly during the following periods :

From 01-01-2002 to 10-10-2002	10 days
15-10-2002 to 17-10-2002	3 days
04-11-2002 AN —	1/2 day
07-11-2002 08-11-2002	2 days
25-11-2002 10-12-2002	16 days
02-01-2003 AN 08-01-2003	6-1/2 days
10-01-2003 13-01-2003	4 days
20-01-2003 01-02-2003	13 days
05-02-2003 15-02-2003	11 days
17-02-2003 AN 18-02-2003	1-1/2 days
20-02-2003 —	1 day
03-03-2002 31-03-2003	29 days
07-04-2003 21-04-2003	15 days
19-05-2003 —	11 day
21-05-2003 31-05-2003	
Total :	124-1/2 days

That, by your repeated absence as above, you have put the office into lot of inconvenience and hardship.

That, by your aforesaid acts, you have failed to maintain absolute integrity and devotion to duty, failed to

serve the corporation honestly and faithfully, acted in a manner detrimental to the interest of the Corporation and prejudicial to good conduct and thereby committed breach of Regulation Nos. 21, 24 and 30 read with Regulation 39(1) of LIC of India (Staff) Regulations, 1960 for which act of misconduct anyone or more of the penalties specified under Regulation 39(1)(a) to (g) of the aforesaid (Staff) Regulation 1960 can be imposed on you".

3. The first party since failed to submit his explanation within the time prescribed in the chargesheet, the management ordered a DE by order dated 11-07-2003, communicated to the first party on 24-07-2003. The first party appeared before the enquiry officer on 21-08-2003 and on being read over with the charges, said to have admitted the aforesaid charges 1 & 2 and denied the charges No. 3, 4 & 5. Both the parties given opportunities to produce the documents and witnesses on the next date of hearing fixed on 26-08-2003, on which date of hearing the leave applications, letters, medical certificates etc. at Ex. P1 vide pages 1 to 65, attendance register at Ex. P 2 and the register of leave applications at Ex. P 3. The first party produced the medical certificate marked as document D1 namely the Xerox copies of mediclaim papers claimed through Oriental Insurance Co. dated 17-04-2003. Thereupon, the management examined one witness and since the first party declined to cross examine the management witness, enquiry proceedings were taken closed. On 02-09-2003, written statement was filed by the presenting officer, copy of which was sent to the first party on 24-09-2003 and thereafter enquiry findings were submitted holding the first party guilty of the charges followed by the punishment order.

4. The first party challenged the enquiry proceedings as not conducted in accordance with the principles of natural justice giving him proper opportunity to defend himself by taking the assistance of any co-worker or by cross examining the management witness (pleadings with respect to the validity and fairness or otherwise of the enquiry proceedings are omitted there being a separate finding on the said issue).

5. As far as the merits of the case is concerned, the first party in his claim statement averred that he was served with the charge sheet dated 09-06-2003 alleging that he has been unauthorisedly absent from duty for a period of 124-1/2 days between 1-10-2002 and 31-05-2003. He did not submit his reply within time but on 16-07-2003, in the meanwhile DE was ordered against him. He appeared before the enquiry officer who conducted a show of an enquiry which is nothing but an empty formality. He received the copy of the enquiry report and submitted his explanation and thereafter he received a show cause notice dated 14-11-2003 and submitted his reply to that on 21-11-2003 and thereafter by an order dated 3-12-2003 which was served upon him on 5-12-2003 he was inflicted the extreme punishment of removal from service with immediate effect treating the period of 124-1/2 days as 'Dies-non'. He

preferred an appeal against the punishment order and that came to be rejected by order dated 4-03-2004. Then he approached the Labour Court, Mangalore directly on 24-03-2004 under Section 10(4-A) of the ID Act and later on filed memo withdrawing the said application and then raised the dispute before the Additional Labour Commissioner, Hubli which resulted into the present proceedings. While challenging the enquiry findings, he contended that the observation of the enquiry officer to the effect that he admitted Charges No. 1 & 2 during the course of enquiry is not correct; that the enquiry findings to the effect that from out of the documents produced by the management charges No. 3 to 5 have been proved is totally incorrect as there was no evidence sufficient produced to prove the said charges and therefore, enquiry findings suffered from perversity. He contended that the impugned punishment order holding him guilty of the charges is illegal as he had applied for leave subsequently with medical certificates and it was incumbent on the part of the management to consider the same and to grant the available leave and that this aspect of the case has completely been ignored by the enquiry officer as well as the Disciplinary Authority and therefore, findings of the enquiry officer are liable to be set aside so also the impugned punishment order. He requested this court to pass an award setting aside the impugned punishment order by reinstating him in service with backwages, continuity of service and other consequential benefits.

6. The management while resisting the claim of the first party in the first instance quoted various provisions of Section 48 of Life Insurance Corporation Act, 1956 amended by Life Insurance Corporation Act, 1981 raising the contention that the reference on hand itself is not maintainable in the light of the provisions of LIC of India Staff Regulations read with Section 48 of the above said Act. Coming to the merits of the case, the management contended that the first party was a habitual unauthorised absentee causing lot of administrative inconvenience to the management; that prior to the charge sheet dated 9-06-2003, he has been punished for his unauthorised absence reducing his basic pay by 10 stages. He was submitting the leave applications only after returning to duty. He even remained absent unauthorisedly from duty for a period of 56-1/2 days even after the charge sheet in question. The management then contended that proceedings of enquiry were conducted against the first party giving reasonable opportunity and that findings of the enquiry officer holding him guilty of the charges are not only based upon his own admissions against Charge No. 1 & 2 but also based upon sufficient oral and documentary evidence in the statements of management witnesses and the documents at Ex. P1 to P3 marked during the course of enquiry. The management also gave the details of unauthorised period of absence from duty and the dates on which the first party submitted his leave application at para 6 of the Counter Statement as under :—

Para 6 : The second party denies the allegations in Para 4 of the Claim Statement. The averment in Para 4 is nothing but imaginary. It is widely known that the duties of a Sepoy is not that serious and as such very high responsibility need not be shared to the extent of creating tension or ill health. It is not true that the first party's request and representations to the higher authorities about his ill health were targeted for disciplinary proceedings. It is submitted that ill health of an employee is not a subject matter of charge sheet or disciplinary proceedings wherein the method in which he was absenting himself was the cause of attracting penalty. Habitual absentism without without prior permission will entail an employee for charge sheet and other penal action. Regulation 30(1) of Staff Regulations, 1960 states that "An employee shall not absent himself from his duties without having obtained permission of the Competent Authority nor shall be absent himself in case of sickness or accident without submitting a medical certificate satisfactory to the competent authority, provided that in case of unforeseen emergency an employee may be allowed to avail one day's casual leave without prior sanction, subject to the condition that the competent authority is promptly advised of the circumstances in which prior sanction could not be obtained. Provided further that in case of temporary indisposition the production of a medical certificate may at the absolute discretion of the competent authority be dispensed with". This being so habitually absenting without any permission or sanction of such absence by the first party is nothing but a grave misconduct as envisaged in the Staff Regulations 1960. It is submitted that as per Regulation 30(2) which reads that "an employee who absents himself from duty without sanction of leave or overstays his leave shall not be entitled to draw any pay and allowances during such absence or over stayal and shall further be liable to such disciplinary measures as the competent authority may deem fit". It is pertinent to note that the first party was not submitting leave application prior to his absence or informing the office about his ill health or sending the Medical certificate during or after such absence. It is a serious misconduct. The first party was unauthorisedly absent during the dates against which his application was received in the office very much late as per the charge sheet dated 09-06-2003."

7. The management also gave details of unauthorised absence of the first party after charge sheet in question was issued at Para 9 of the Counter Statement as under :—

- | | |
|---|------------|
| 1. 03-07-2003 to 15-07-2003 | 13 days |
| 2. 04-08-2003 to 12-08-2003 | 9 days |
| 3. 02-09-2003 to 10-09-2003 | 9 days |
| 4. 17-09-2003 AN to 23-09-2003 | 6-1/2 days |
| 5. 03-10-2003 to 08-10-2003 | 6 days |
| 6. 13-10-2003 to 25-10-2003 | 13 days |
| 8. Therefore, the management contended that the | |

findings of the enquiry officer are very much based upon sufficient oral and documentary evidence and the punishment imposed upon the first party dismissing him from service is quite legal and justified much less proportionate to the gravity of the misconduct committed by the first party.

9. Keeping in view the respective contentions of the parties this tribunal on 21-04-2006 framed the following preliminary issue :—

“Whether the DE conducted against the first party by the second party is fair and proper?”

10. During the course of trial of the said issue the management examined the enquiry officer as MW1 and got marked as many as 24 documents at Ex. M1 to M24 including the charge sheet, enquiry proceedings and the enquiry report. The first party examined himself as WW1. After hearing the learned counsels for the respective parties, this tribunal by order dated 20-04-2007 answered the above said DE issue in favour of the management holding that the enquiry conducted against the first party is fair and proper.

11. Thereafter matter was taken up for hearing on merits i.e. with respect to the contention of the alleged perversity of the findings and the quantum of the punishment. Both the parties have filed their written arguments reiterating the averments made in the claim statement as well as the contentions taken in the counter statement, respectively. In his oral arguments learned counsel for the management submitted that the first party during the course of preliminary enquiry admitted the first two charges and these two charges along with other three charges were also proved by the management in the aforesaid oral and documentary evidence. He submitted that the findings of the enquiry officer are based on oral and documentary evidence supported by valid reasonings and suffered from no perversity and therefore, based on those findings the punishment order passed against him was fully legal and justified.

12. After having gone through the records more particularly, the proceedings of the domestic enquiry and the findings of the enquiry officer. I am of the opinion that charges No. 1 to 3 against the first party have been proved and that Charges No. 4 & 5 need no answer as they do not survive in the light of the findings on charges No. 1 to 3.

13. As noted above, this tribunal has already given a finding on the DE issue to the effect that the DE held against the first party by the management is fair and proper, now, therefore, the only two questions which arose for consideration would be—

- (i) Whether the findings suffered from perversity and
- (ii) If not, the punishment of dismissal was disproportionate to the gravity of the misconduct committed by the first party.

14. As could be read from the proceedings of enquiry and the enquiry findings, on the first date of enquiry held on 21-8-2003 when the first party was read over with the charges, he admitted the charges No. 1 & 2 and denied the charges No. 3 to 5. That apart, in order to justify all the aforesaid five charges, the management examined a witness as PW1 and got marked 3 documents referred to supra at Ex. P1 to P3.

15. Now, coming to Charge No. 2. In the first instance it is the charge pertaining to the past conduct of the first party for having remained absent from duty unauthorisedly on five occasions where under he was penalized by reducing his basic pay by 10 stages as against the each period of unauthorised absence on each occasion. The management in its counter statement as noted above, has taken the specific contention about his unauthorised absence from duty on 5 occasions being punished with reduction of his pay by 10 stages which contention of the management has not been countered or challenged by the first party either by way of rejoinder to the counter statement or by way of any oral evidence before this tribunal. That apart, as noted above, during the course of enquiry proceedings on the first sitting itself the first party admitted the first two charges but denied the remaining three charges.

16. Now, coming to the 3rd charge alleging his unauthorised absence from duty for a period of 124-1/2 days. There is no denial of this fact by the first party himself but with a rider that on each and every occasion he submitted his leave applications and medical certificates while returning for duty. As could be read from the findings of the enquiry officer, the first party no doubt has submitted leave applications and some times, the medical certificates but subsequent to the availment of the leave and at the time of returning to duty. It was rightly observed by the enquiry officer that except 1-12-2002 and 17-1-2003 on all the other occasions the leave applications were submitted by the first party after returning to duty. He undisputedly did not submit the leave application well within time much less getting it sanctioned before he proceeded on leave. Therefore, it was a clear case of violation of the service Rules and the first party cannot justify his absence from duty on the ground that he was always submitting his leave applications some times along with the medical certificates while reporting for duty as per the rules the first party was supposed to remain absent from duty with prior intimation much less submitting his leave application being sanctioned by competent authority. In his own words he has not done so. Therefore, he cannot be allowed to contend that his absence from duty was against the leave he applied and that it was not an unauthorised absence. The enquiry officer on page 2 of his findings holding the workman guilty of the aforesaid charge No. 3, observed as under and recorded his findings against charge No. 1 & 2 being admitted by the first party.

"On examining the documents produced I find that except on 1-10-2002 and 17-1-2003, the leave applications have been submitted after availing of leave even though in many occasions the reasons are rather than health grounds such as personal work, domestic work, son not well etc. Leave applications on sick ground also are submitted subsequent to availing of leave (period 20-01-2003 to 28-01-2003, 29-01-2003 to 01-02-2003, 5-02-2003 to 15-02-2003, 7-04-2003 to 21-04-2003, 22-05-2003 to 4-06-2003) taking into above fact and deposition of PW1 I hold the charge No. 3 as proved."

17. Therefore, having regard to the oral and documentary evidence produced during the course of enquiry and the reasonings given by the enquiry officer in holding the workman guilty of the aforesaid charges No. 1 to 3, it cannot be said that the findings suffered from perversity or that they are not based upon sufficient and legal evidence.

18. Now, coming to Charge No. 4 & 5. One cannot agree to the findings of the enquiry officer much less the very allegations on those charges leveled against the first party by the Disciplinary Authority. These are the two charges depending upon the proof of charge No. 3 and therefore need no independent findings and accordingly they have to be answered as do not survive. In the result, it is to be held that the findings of the enquiry officer as far as Charge No. 1 to 3 is concerned do not suffered from perversity.

19. Now, coming to the question of quantum of the punishment. The case on hand certainly appears to be a case of habitual unauthorised absence. As noted above, in the past the first party suffered penalties of reduction of his basic pay by 10 stages and the last punishment awarded against him was on 30-1-2003. It is in the meanwhil and subsequent thereto once again the first party has remained absent from duty for a period of 124½ days without prior intimation to the authority concerned and without getting the leave sanctioned. As noted above subsequent to the charge sheet also the first party remained unauthorisedly absent from duty for a period of about 56½ days and therefore, this conduct of the first party would make it abundantly clear that he is in corrigible, failed to mend himself despite being punished on several occasions in past as well. However, the only mitigating circumstances to be read in favour of the first party is that on each and every occasion when he reported for duty submitted leave applications and some times with medical certificates for the period of his unauthorised absence as mentioned in the charge sheet. Therefore, having regard to this mitigating circumstances in his favour and the fact that the misconduct alleged against him does not involve moral turpitude, the proper punishment to be awarded against the first party appears to be one of compulsory retirement rather than dismissing him from service so as to enable him

to get his service benefits for the services rendered by him with the management. Hence the following Award:

AWARD

The impugned dismissal order passed against the first party is hereby replaced with the order compulsorily retiring him from service with all superannuation benefits. No costs.

Dictates to PA transcribed by her corrected and signed by me on 8th January, 2008

A. R. SIDDIQUI, Presiding Officer

शुद्धि-पत्र

नई दिल्ली, 7 फरवरी, 2008

का. आ. 322.—मैसर्स स्टरलाइट ऑप्युनिटीज एण्ड वेन्चर्स लि. द्वारा मैसर्स हिन्दुस्तान जिंक लि., उदयपुर तथा चित्तौड़गढ़ (राजस्थान) के अधिग्रहण के परिणामस्वरूप, मैसर्स हिन्दुस्तान (राजस्थान) को कर्मचारी राज्य बीमा अधिनियम, 1948 के उपबंधों से 1-10-2006 से 30-9-2008 तक प्रदान कृत 1-1-2008 से वापस ली जाती है। श्रम और रोजगार मंत्रालय की दिनांक 20 जनवरी, 2007 को भारत के राजपत्र के भाग-II, खण्ड-3 के उप-खण्ड (ii) में प्रकाशित अधिसूचना सां. आ. संख्या 205 द्वारा अधिसूचित प्रविष्टि संख्या 2 के सामने उल्लिखित शब्दों, मैसर्स हिन्दुस्तान जिंक लि., विशाखापट्टनम, उदयपुर, चित्तौड़गढ़ (राजस्थान) को मैसर्स हिन्दुस्तान जिंक लि., विशाखापट्टनम पढ़ा जाए।

[फा. संख्या एस-38014/46/2007-सा. सु. -I]

एस. डी. जेवियर, अवर सचिव

CORRIGENDUM

New Delhi, the 7th February, 2008

S. O. 322.—Consequent upon the taking over of M/s. Hindustan Zinc Ltd., Udaipur & Chittorgarh (Rajasthan) by M/s. Sterlite Opportunities & Ventures Ltd., the exemption granted to M/s. Hindustan Zinc Limited, Udaipur and Chittorgarh (Rajasthan) from the provisions of the ESI Act, 1948 with effect from 01-10-2006 to 30-09-2008 stands withdrawn with effect from 1-1-2008. The entry against Sl. No. 2, the words M/s. Hindustan Zinc Ltd., Visakhapatnam, Udaipur, Chittorgarh (Rajasthan) may be read as M/s. Hindustan Zinc Ltd., Visakhapatnam in the Notification of the Ministry of Labour & Employment published in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated 20th January, 2007 vide S. O. No. 205.

[F.No. S-38014/46/2007-SS.I]

S. D. XAVIER, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 7 फरवरी, 2008

का. आ. 323.—श्रम और रोजगार मंत्रालय की दिनांक 20 जनवरी, 2007 को भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड(ii) में सां. आ. संख्या 205 द्वारा प्रकाशित अधिसूचना के पैरा 2(5) (iv) (ड) में निम्नलिखित प्रविष्टियों की जाएंगी, नामतः—

“विनिवेश/निगमीकरण/निजीकरण की स्थित में, किसी प्रतिष्ठान को दी गई छूट स्वतः समाप्त हो जाएगी तथा नए प्रतिष्ठान को समुचित सरकार के पास छूट हेतु आवेदन करना होगा।”

[फा. संख्या एस- 38014/46/2007-सा. सु. -I]

एस. डी. जेवियर, अवर सचिव

CORRIGENDUM

New Delhi, the 7th February, 2008

S. O. 323.— In the Notification of the Ministry of Labour & Employment published in the Gazette of India, Part-II, Section 3, Sub-Section(ii) dated 20th January, 2007 vide S.O.No. 205, the following entries shall be inserted, in para 2(5)(iv)(e) namely:-

“In case of disinvestment/corporatisation/privatization, exemption granted to an establishment shall become automatically cancelled and that the new entity will have to approach the appropriate Government for exemption.”

[F.No. S-38014/46/2007-SS.I]

S. D. XAVIER, Under Secy.

आदेश

नई दिल्ली, 6 फरवरी, 2008

का.आ. 324.— जबकि दिल्ली उच्च न्यायालय ने रिट याचिका संख्या 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001, तथा 1707/2001, में याचिकाओं का निपटान करते हुए, सर्वोच्च न्यायालय द्वारा रिट याचिका संख्या 422/2000, में निर्धारित कानून के अनुसार न्यायनिर्णय हेतु याचिकाकर्ताओं/कर्मकारों को राष्ट्रीय औद्योगिक अधिकरण में जाने की छूट दी थी;

और जबकि केन्द्र सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम मंत्रालय के दिनांक 19-4-2004 के आदेश संख्या एल-22012/325/2003-आईआर (सी-II) द्वारा राष्ट्रीय औद्योगिक अधिकरण की स्थापना की जिसका मुख्यालय, मुंबई रखा गया तथा न्यायमूर्ति श्री एस. सी. पांडे को इसका पीठासीन अधिकारी नियुक्त किया और उक्त अधिनियम की धारा 10 की उप-धारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त औद्योगिक विवाद को उक्त राष्ट्रीय औद्योगिक अधिकरण के पास न्यायनिर्णय हेतु भेजा था।

और जबकि न्यायमूर्ति श्री एस. सी. पांडे ने उक्त राष्ट्रीय औद्योगिक अधिकरण का प्रभार 8-9-2004 को स्थापित किया था।

और जबकि मुंबई मुख्यालय वाले राष्ट्रीय औद्योगिक अधिकरण न्यायमूर्ति मनश्याम दास को मुंबई मुख्यालय वाले राष्ट्रीय औद्योगिक अधिकरण, पीठासीन अधिकारी बनाया गया है और ऊपर उल्लिखित विवाद को उपर्युक्त राष्ट्रीय औद्योगिक अधिकरण को न्यायनिर्णय हेतु इस निदेश के साथ भेजा गया था कि न्यायमूर्ति मनश्याम दास इस मामले में उस चरण के आगे काम करेंगे जहाँ न्यायमूर्ति श्री एस. सी. पांडे ने इसे छोड़ा था और तदनुसार उसका निपटान करेंगे।

और जबकि प्रबंधन/एफ. सी. आई ने दिनांक 19-4-2004 के उक्त संदर्भ को दिल्ली उच्च न्यायालय में रिट याचिका संख्या 14171/2004 द्वारा चुनौती दी थी।

और जबकि माननीय दिल्ली उच्च न्यायालय ने आदेश को परे रखते हुए इस आधार पर निरस्त किया कि याचिकाकर्ता की समस्त आपत्तियों पर संदर्भ के समय विचार नहीं किया गया और सरकार को इस मामले को फिर से देखने और समुचित आदेश जारी करने का निर्देश दिया।

इसलिए अब, केन्द्र सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-ख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय औद्योगिक अधिकरण की स्थापना करती है जिसका मुख्यालय मुंबई में होगा और केन्द्रीय सरकार औद्योगिक अधिकरण संख्या-1, मुंबई के वर्तमान पीठासीन अधिकारी न्यायमूर्ति श्री एम. जी. गायकवाड़ को इसके पीठासीन अधिकारी के रूप में नियुक्त करती है, तथा औद्योगिक विवाद अधिनियम की धारा 10 की उप-धारा (1-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उपर्युक्त रिट याचिका में उक्त विवाद को इसके साथ संलग्न अनुसूची के अनुसार न्यायनिर्णय हेतु उक्त राष्ट्रीय औद्योगिक अधिकरण को संदर्भित करती है। उक्त राष्ट्रीय अधिकरण छः माह की अवधि के भीतर अपना पंचाट देगा।

अनुसूची

“क्या (i) बहेड़ी, (ii) छटीमा, (iii) भोट, (iv) इटावा, (v) मैनपुरी, (vi) भरूच, (vii) अलोपीबाग, (viii) कोलासिब, (ix) अलवर, (x) फगवाड़ा, (xi) कुमार घाट, (xii) विलियम्स नगर, (xiii) जींद, (xiv) हिसार, (xv) उम्रहानी, (xvi) सरहिंद, (xvii) कटंगी, (xviii) वाराणसी, (xix) बालाघाट, (xx) पलवल, (xxi) मालुकपोंग, (xxii) असंध, (xxiii) कुल्लू, (xxiv) कोठेरा हमीरपुर, (xxv) बलसाड के एफ. सी. आई डिपो में कार्यरत ठेका श्रमिक एफ. सी. आई के डिपो के विभागीय श्रमिकों के बराबर वेतन तथा उन्हें उपलब्ध अन्य लाभों के पात्र हैं? यदि हाँ, तो वे किन-किन लाभों के पात्र हैं?”

[सं. एल-22012/325/2003-आईआर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

ORDER

New Delhi, the 6th February, 2008

S.O. 324.— Whereas the Hon'ble High Court of Delhi in W. P. Nos. 2594/2002, 6170/2001, 6205/2001, 4530/2002, 3186/2002, 4267/2001, 4603/2002, 4602/2002, 1699/2001, and 1707/2001 disposed off the petitions granting liberty to the petitioners to approach National Industrial Tribunal for adjudication in terms of law laid down by the Supreme Court in the W. P. No. 422/2000;

And Whereas the Central Government in exercise of the powers conferred by Section 7B of the I. D. Act, 1947 (14 of 1947) constituted a National Industrial Tribunal vide Ministry of Labour Order No. L-22012/325/2003-IR (C-II) dated 19-4-2004 with headquarters at Mumbai and appointed Justice Shri S. C. Pandey as its Presiding Officer

and in exercise of the powers conferred by sub-section (1A) of Section 10 of the said Act, referred the said Industrial Dispute to the said National Industrial Tribunal for adjudication.

AND WHEREAS Justice Shri S. C. Pandey relinquished charge of the above National Industrial Tribunal on 8-9-2004.

AND WHEREAS a National Industrial Tribunal constituted with Headquarters at Mumbai with Justice Shri Gharshyam Dass as its Presiding Officer and the above-said dispute referred to the above-said National Industrial Tribunal for adjudication with a direction that Justice Shri Gharshyam Dass shall proceed in the matter from the stage at which it was left by Justice Shri S. C. Pandey and dispose of the same accordingly.

AND WHEREAS the Management/FCI challenged the aforesaid reference order dated 19-4-2004 in the W. P. No. 14171/2004 in the High Court of Delhi.

AND WHEREAS the Hon'ble High Court of Delhi set aside and quashed the order on the ground that all the objections of the petitioner were not considered while making reference and directed the Government to take a re-look at the matter and to issue an appropriate order.

Now, therefore, the Central Government, in exercise of the powers conferred by Section 7 B of the I. D. Act, 1947 (14 of 1947), hereby constitutes a National Industrial Tribunal with the Head Quarters at Mumbai and appoint Justice Shri M. G. Gaikwad, presently Presiding Officer, CGIT No. 1, Mumbai as its Presiding Officer, and in exercise of the powers conferred by sub-section (1A) of Section 10 of the I. D. Act, hereby refers the dispute in the aforesaid W. P., as per schedule hereto annexed, to the said National Industrial Tribunal for adjudication. The said National Tribunal shall give its award within a period of six months.

SCHEDULE

"Whether the contract workers in the depots of FCI at (i) Beheri, (ii) Khatima, (iii) Bhatu, (iv) Itawah, (v) Mainpuri, (vi) Bharuch, (vii) Alopibag, (viii) Kolasib, (ix) Alwar, (x) Phagwara, (xi) Kumar Ghat, (xii) Williams Nagar, (xiii) Jind, (xiv) Hissar, (xv) Ujhani, (xvi) Sarhind, (xvii)

Katangi, (xviii) Varasivani, (xix) Balaghat, (xx) Palwal, (xxi) Malukpong, (xxii) Asandh, (xxiii) Koolu, (xxiv) Kothera Hamirpur, (xxv) Balsad are entitled for the same pay and other benefits as are available to the departmentalized labour in the depots of FCI? If so, to what benefits they are entitled?"

[No. L-22012/325/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

नई दिल्ली, 13 फरवरी, 2008

का. आ. 325.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि भारतीय खाद्य निगम में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 6 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/5/91-आई. आर. (पी. एल.)]

एस. कृष्णन, अपर सचिव

New Delhi, the 13th February, 2008

S. O. 325.—Whereas the Central Government is satisfied that the public interest requires that the services in the Food Corporation of India (FCI) which is covered by item 6 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a Public Utility Service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a Public Utility Service for the purpose of the said Act for a period of six months.

[No. S-11017/5/91-IR(PL)]

S. KRISHNAN, Additional Secy.